Leonard Davis Frescoln, of Pennsylvania.
Oscar Amadeus Hansen, of Illinois.
John Everett Hewitt, of Kansas.
Allen Jones Jervey, of South Carolina.
Homer Hill Lewis, of Pennsylvania.
William Hay McLain, of West Virginia.
Robert Daniel Maddox, of Ohio.
Irwin Beede March, of California.
Harry Stoll Mustard, of South Carolina.
John Henry Wallace Rhein, of Pennsylvania.
Michael Joseph Sheahan, of Connecticut.
William Atmar Smith, of South Carolina.
James Evans Stowers, of Maryland.
Julius Frederick Zenneck, of New Jersey.

POSTMASTERS.

IDAHO.

Joseph F. Whelan to be postmaster at Wallace, Idaho, in place of John Joseph Presley.

INDIANA.

William W. Drake to be postmaster at Greenwood, Ind., in place of John H. Van Dyke. Incumbent's commission expires June 10, 1914.

Charles A. Steele to be postmaster at Rising Sun, Ind., in place of Hugh S. Espey.

ILLINOIS.

George Taylor to be postmaster at Evanston, Ill., in place of John A. Childs. Incumbent's commission expired April 15, 1914.

KANSAS.

Uriah C. Herr to be postmaster at Medicine Lodge, Kans., in place of Luther M. Axline. Incumbent's commission expired May 31, 1914.

John B. Kay to be postmaster at St. John, Kans., in place of Herbert J. Cornwell. Incumbent's commission expired May 31, 1914.

George E. H. Six to be postmaster at Lyons, Kans., in place of William M. Jones. Incumbent's commission expires June 14, 1914.

KENTUCKY.

John J. Berry to be postmaster at Paducah, Ky., in place of Frank M. Fisher. Incumbent's commission expired May 18, 1914.

MARYLAND.

Edward A. Rodey to be postmaster at Ellicott City, Md., in place of Clarence H. Oldfield.

NEW JERSEY.

Emery Benoit to be postmaster at Edgewater, N. J., in place of John J. McGarry. Incumbent's commission expired May 31, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 2, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named assistant surgeons in the Navy to be passed assistant surgeons:

James G. Omelvena.
Jasper V. Howard.
Lester L. Pratt.
Clarence C. Kress.

Eueidas K. Scott to be an assistant surgeon in the Medical Reserve Corps.

Richard C. Reed to be an assistant paymaster.

Asst. Naval Constructor Paul H. Fretz to be a naval constructor.

John J. Brady to be a chaplain.

POSTMASTERS.

NORTH CAROLINA.

S. W. Smith, Wilson.

PENNSYLVANIA.

Cornelius P. Reing, Mahanoy City.

WITHDRAWAL.

Executive nomination withdrawn June 2, 1914.

Harry O. De Vries to be postmaster at Ellicott City, in the State of Maryland.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 2, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever living God, our heavenly Father, we thank Thee that the way is always open for larger life and greater usefulness for those who will enter in and avail themselves of the opportunities which wait on the faithful. May it be ours to do of Thy good pleasure, following ever in the wake of Him who "increased in wisdom and stature and in favor with God and man," till we all come unto the measure of the stature of the fullness of Christ, passing from glory unto glory, and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ANTITRUST LEGISLATION.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657 and other bills embraced within the special order, and the gentleman from Tennessee [Mr. HULL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657 and other bills embraced within the special rule, with Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657 and other bills embraced in the special order of the House. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. WEBB. Mr. Chairman, when we adjourned on yesterday evening we had finished reading section 18, and it is now open to amendment, as I understand, and I desire to send forward the following amendment, which is a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 18, line 23, on page 36, strike out the period and insert a semicolon and add "nor shall any of the acts specified in this paragraph be considered or held unlawful."

Mr. MANN. Will the gentleman explain this?

Mr. WEBB. Yes, sir. If you will notice section 18, it says that in labor disputes no injunction shall be issued restraining a person from ceasing to work, commonly known as striking; no injunction shall be issued against a person for advising or persuading others to quit work—that is, to strike; no injunction shall be issued against a person or persons prohibiting them from assembling peacefully together at a place they may select; no injunction may issue against a person forbidding him to cease to patronize a party to the dispute; no injunction shall be issued against a person or persons or labor organizations forbidding them to pay strike benefits or withhold strike benefits.

Mr. VOLSTEAD. Would not this also legalize the secondary boycott? I want to call the gentleman's attention to lines 16 and 17, on page 36.

Mr. WEBB. Mr. Chairman, I do not think it legalizes a secondary boycott.

Mr. VOLSTEAD. Let me read the lines, if the gentleman will permit. And no such restraining order or injunction shall prohibit anyone—

From ceasing to patronize those who employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do.

Now, does not the word "others" in that instance refer to others than parties to the dispute?

Mr. WEBB. No; because it says in line 15:

From ceasing to patronize or employ any parties to such dispute.

Mr. VOLSTEAD. Can the gentleman suggest as to what the word "others" refers to if it does not refer to others and parties to the dispute? Can there be any doubt this is intended or does, in fact, legalize the secondary boycott?

Mr. WEBB. I will say frankly to my friend when this section was drawn it was drawn with the careful purpose not to legalize the secondary boycott, and we do not think it does. There may be a difference of opinion about it, but it is the opinion of the committee that it does not legalize the secondary boycott and is not intended to do so. It does legalize the primary boycott; it does legalize the strike; it does legalize persuading others to strike, to quit work, and the other acts mentioned in

section 18, but we did not intend, I will say frankly, to legalize the secondary boycott.

Mr. TOWNER. Is it not true, I will ask the gentleman, if these statements, every one of them contained in this paragraph of this section, have been time and time again declared by the supreme courts of the United States not to be illegal or unlawful acts?

Mr. WEBB. Not time and time again by the Supreme Court of the United States, but time and time again by various inferior Federal courts and the Supreme Court.

Mr. TOWNER. By the supreme courts, I said.

Mr. WEBB. Mr. Chairman, we are frank to say in our opinion everything set forth in section 18 is the law to-day.

Mr. VOLSTEAD. But would the gentleman be willing to accept an amendment which would expressly exclude the secondary boycott?

Mr. WEBB. Well, with our present view and understanding of the section we feel it is not necessary to accept such amendment.

Mr. VOLSTEAD. So there can be no doubt as to what it is, and it seems to me that we ought to know just what is intended to write into this law.

Mr. WEBB. The word "others" is confined to the parties to the dispute.

Mr. VOLSTEAD. Others than parties to the suit.

Mr. WEBB. It does not say "others than."

Mr. VOLSTEAD. Read lines 15, 16, and 17, on page 36. It seems to me the word "others" can refer to nobody else but others outside of the parties to the dispute.

Mr. WEBB. There may not be any others and probably will not be, and if there are others they must be parties to the dispute where the strike takes place.

Mr. VOLSTEAD. If the gentleman will accept an amendment, I will offer one.

Mr. WEBB. I will say this section was drawn two years or more ago and was drawn carefully, and those who drew this section drew it with the idea of excluding the secondary boycott. It passed the House, I think, by about 243 to 16, and the question of the secondary boycott was not raised then, because we understood so clearly it did not refer to or authorize the secondary boycott.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY. Mr. Chairman, this is a very important amendment that has been offered, and I think the House ought to thoroughly understand it.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Kansas?

Mr. HENRY. Yes.

Mr. MURDOCK. Will the gentleman have the amendment read again, so that we can get it clearly in mind?

Mr. HENRY. Yes. I have no objection.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

At the end of section 18, line 23, page 36, strike out the period and insert a comma, and add "nor shall any of the acts specified in this paragraph be considered or held unlawful."

Mr. WEBB. Mr. Chairman, if the gentleman from Texas [Mr. HENRY] will yield, I would like to have about five minutes more, because most of my former five minutes was taken up by yielding to questions.

Mr. HENRY. Very well. I will resume the floor later.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WEBB. Now, I will say to the gentlemen of the committee, having recognized and legalized the acts set forth in section 18, so far as the conscience side of the court is concerned, the committee feels that no harm can come from making those acts legal on the law side of the court, for anything that is permitted to be done in conscience ought not to be made a crime or forbidden in law.

That is the view we take of it, and that is the reason why we offer this amendment, which provides that the acts and things set forth in section 18 shall not be construed to be unlawful. That is as clear, Mr. Chairman, as I can make it, and I think it covers the section and is easily understood.

Mr. HENRY. Mr. Chairman, I regard this as a very important amendment. Section 18 may be truly regarded as a bill of rights for the labor organizations. This bill was passed through the House before. This section as a separate bill was held up in the Senate. I am glad that we are now about to make it a part of the antitrust program.

Some of us, after reading this section in connection with the other provisions of the general bill, did not believe that it was quite explicit, and that there ought to be some addition to section 18. So, on the evening of May 21 of this year, Mr. KITCHIN, of North Carolina; Mr. TOWNER; Mr. HINEBAUGH, of Illinois; Mr. GRAHAM, of Illinois; Mr. LEWIS, of Maryland; and myself met in the rooms of the Committee on Rules for the purpose of examining this section and certain other sections of the bill, and we came to the conclusion that this amendment which has been offered by Mr. WEBB and accepted by the Committee on the Judiciary should be made a part of the bill.

On that evening we formulated this amendment exactly as it has been tendered, and on Sunday morning submitted it to the American Federation of Labor, because we did not want any misunderstanding about this question. We believed that we ought to make history clear; that there ought not hereafter to be any cloudy or foggy history as there was after the Sherman antitrust law was passed. So in connection with the amendment, which was agreed to as a part of section 7, this amendment was agreed to, and we asked the officers of the American Federation of Labor to submit this amendment to their counsel in order that we might clearly understand it and cooperate with them.

They did so, and they have agreed that this amendment is appropriate and indeed necessary; and we concur with them, and the President and the Committee on the Judiciary has concurred with them, and for a very good reason. Section 18, as originally drawn in connection with the other parts of this bill, should be amended in this respect.

Section 18, in connection with other parts of the bill, only referred to the equity powers of the courts, and we thought that it ought to go further, and that there should be an amendment saying that the things mentioned in section 18, if they were done, should not be illegal, not only as far as the equity courts were concerned but that no court should be able to lay its hands upon the members of the organizations touching the rights guaranteed in section 18.

Now I will yield to the gentleman.

Mr. GRAHAM of Pennsylvania. I understand the gentleman to say that this has been submitted to the Committee on the Judiciary and approved by it. If so, I would like to know when and under what circumstances?

Mr. HENRY. I presume it was. It was submitted to the subcommittee. I have not been in attendance on the meetings of the committee, but suppose it was submitted to the members of the general committee. But this amendment is satisfactory to the American Federation of Labor; it is satisfactory to the President of the United States; and was and is satisfactory to the chairman of the Committee on the Judiciary and the members thereof with whom I have talked; and it ought to be added at the end of section 18 so as to preserve, protect, and perpetuate the rights that are given to labor organizations in section 18, and not only prohibit courts of equity from violating those rights, but also restrain the courts of law from undoing any of those things that we have guaranteed in this section.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. HENRY. I will.

Mr. MANN. The gentleman has stated that conferences with certain Members of the House agreed upon this amendment and submitted it to the officers of the American Federation of Labor.

Mr. HENRY. Yes.

Mr. MANN. Is it not a fact that the officers of the American Federation of Labor submitted practically this amendment to the gentleman and other gentlemen of the House before this conference met at all?

Mr. HENRY. Yes; that is true, substantially.

Mr. MANN. So that this amendment did not originate, as the gentleman would have us believe—I will not say "as the gentleman would have us believe"—but as we might believe from the gentleman's statement as to this little conference, that this amendment originated with the officers of the American Federation of Labor?

Mr. HENRY. I think those gentlemen desired this kind of an amendment. And we did agree on certain language in two amendments.

Mr. MANN. This is the amendment which the American Federation of Labor submitted to the gentleman, is it not?

Mr. HENRY. Yes.

Mr. MANN. I read:

Nor shall any of the acts specified in this paragraph be considered or held unlawful—

By the courts of the United States?

Mr. HENRY. Yes; substantially. The amendment was submitted to us, and we agreed that it was correct, and that we must organize to make a fight for it, because the affable gentleman from Illinois had said, when the rule was debated, that he proposed to vote so as to make all the mischief possible for the Democratic Party, and we did not want to be taken unawares. So we were organizing to put this amendment through.

Mr. MANN. But the amendment did not originate with the gentleman.

Mr. HENRY. Oh, well, I have no pride of personal authorship. All I say is that I stand with these men for their amendment, and they ought to be exempted from the provisions of the antitrust laws, and this right ought to be written into all these statutes.

This amendment was submitted, considered, and agreed to in the conference held in the Committee on Rules, and the gentlemen there assembled obligated themselves to support and press it.

Mr. WEBB. Will the gentleman yield?

Mr. HENRY. I yield to the gentleman from North Carolina.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. I ask for an extension of one minute.

Mr. AUSTIN. I ask unanimous consent that it be two minutes. I want to ask a question.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time be extended two minutes. Is there objection?

There was no objection.

Mr. WEBB. As far as the committee are concerned, the first time we ever heard of this amendment was when it was presented to the subcommittee by Mr. DAVID J. LEWIS, of Maryland, a Member of the House.

Mr. HENRY. That is the first time you ever heard of it?

Mr. WEBB. Yes.

Mr. HENRY. I am not taking any issue with the Judiciary Committee.

Mr. WEBB. Certainly not.

Mr. HENRY. I am not going into any controversy with them; but the fact remains that the Judiciary Committee had drawn their sections, 7 and 18, and they were not satisfactory, and we were trying to get together with the Judiciary Committee and shape up this matter so as to prove our friendship for the labor forces of this country and carry out our platform demands. Now, I have no pride of authorship about anything I may have suggested and do not claim anything, but do say we do not want any vague or doubtful history hereafter, and these things ought to be stated here and written down as they occur. Now I yield to the gentleman from Tennessee.

Mr. AUSTIN. In view of a statement in the editorial columns of a Philadelphia paper this morning that the President of the United States has changed his position on this legislation, I wish to know what the gentleman knows in reference to that statement?

Mr. HENRY. Changed his position when and on what?

Mr. AUSTIN. On this labor proposition.

Mr. HENRY. I do not think the President has ever changed his position. I think the President has always been in favor of complying with the Baltimore platform and giving labor everything to which it is entitled. I do not think he has changed his position. You surprise me.

Mr. WEBB. The President has not changed his position with reference to any of these amendments that have been adopted here.

Mr. AUSTIN. What contemplated provision was it that the President threatened to veto?

Mr. HENRY. I never knew of any threats to veto. I think the gentleman must be mistaken about that. The gentleman has got his information from some wild rumor printed in a newspaper.

Mr. AUSTIN. Printed in the local press here.

Mr. HENRY. Sometimes the local press do not always state things exactly as they occur, because they do not get the correct information. They print what they believe, but sometimes they make mistakes.

Mr. AUSTIN. But the statement was also carried in the Associated Press.

Mr. HENRY. Sometimes the Associated Press is misinformed and has to correct things, and it will have to correct this, because the President is not going to veto this bill.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word.

I think the amendment just offered by the gentleman from North Carolina [Mr. WEBB] undoubtedly strengthens this section; but there are some things about the section that I should like to discover, and I am going to address myself to the gentleman from North Carolina [Mr. WEBB].

The section has two paragraphs, and the first paragraph, which I am going to read in order to get it into the RECORD, is the paragraph fixing jurisdiction in granting exemptions. It reads as follows:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

Now, Mr. Chairman, I have compared this paragraph with former proposals, and in the Pearre bill and in the Wilson bill as amended——

Mr. MACDONALD. And also in the Bartlett bill.

Mr. MURDOCK. The gentleman from Michigan correctly says "also in the Bartlett bill"; but not in the Clayton bill. There was included, before the word "involving," as is now found, in line 23, on page 35, the word "or," which seemed to extend the area of this provision of exemption. The exemption proposed under the terms of this bill is to extend to any case—

Between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment.

Now, the inclusion of the word "or" before the word "involving" would, I think, undoubtedly increase the area of the exemption granted to labor. I will not ask the gentleman to answer me just now, but I will ask him to answer me a little later on, when I have also called his attention to the fact that the second paragraph of the section is tied to the first paragraph by the inclusion of the word "such" before the word "restraining" in line 6, page 36, for the second paragraph begins as follows:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business or happens to be—

And so forth.

Now, that second paragraph, while granting certain rights, is so tied to the first paragraph that there is a probability, to my mind, that you have narrowed the exemption you intended to offer, because the abuse of the injunctive process occurred, as the gentleman knows, in a majority of cases in connection with strikes; and it seems to me the relation of employer and employee ceases when there is a strike, and strikers are not included here. The strikers are no longer employees, and the exclusion of the word "or," it seems to me, takes out of the purview of the first paragraph of exemptions the right of the striker.

Mr. WEBB. No; I think the gentleman is mistaken.

Mr. MURDOCK. I hope the gentleman has followed me. I think the point has merit.

Mr. WEBB. Mr. Chairman, I am sorry that this argument appears to me to be extremely technical. I can not understand the difference.

Mr. MURDOCK. I know; but that is a general statement. I suppose the gentleman believes that he has done that in this case. In the former bills, in the amended Wilson bill and in the Pearre bill and latterly in the Bartlett bill, the word "or" was inserted before the word "involving," and that seemed to extend the exemption granted to a case of strikers, who are no longer employees. I will ask the gentleman if he believes that strikers having struck are still in the relation of employees to a former employer? They may have been discharged.

Mr. WEBB. Exactly. Then what further does the gentleman want?

Mr. MURDOCK. It does not seem to me the definitions the gentleman has given there in the first paragraph—

In any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment—

and so forth, includes the case of a striker. I do not believe you can find it in those classifications.

Mr. WEBB. How would the gentleman include his suggestion?

Mr. MURDOCK. By including the word "or," and making it read:

In any case between an employer and employees, etc., or involving or growing out of a dispute—

And so forth.

Mr. WEBB. We have the word "involving" in the section now.

Mr. MURDOCK. Yes; but without the word "or" preceding it you do not include strikers.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. Is it not sufficient where it says "or growing out of a dispute"?

Mr. MURDOCK. If the word "or" were inserted, it certainly would be, but without the word "or" I do not believe it is. I am going to ask the gentleman if he will accept that amendment?

Mr. WEBB. Mr. Chairman, I could not agree to that. I think the phrase "involving or growing out of" is sufficient. I think that would include a strike, and that is what we intend it to include.

Mr. MURDOCK. Why not be certain about it by including the word "or"?

Mr. WEBB. I think the use of that word might make it uncertain.

Mr. MURDOCK. I would like to have the gentleman explain to me in what way it would make it uncertain.

Mr. WEBB. I will say to the gentleman that we have gone over this very carefully and drawn the section, having in view the decisions on the matter, and we passed it through this Congress two years ago just as it is written, although the gentleman was not here to vote for it, I believe, by a vote of 243 to 18, and I should feel loath to change the wording of it now.

Mr. MURDOCK. Will the gentleman take time to explain to me, and I will be obliged to him if he will, how strikers are included in this definition as given at the bottom of page 35 without the inclusion of the word "or," before the word "involving"? I would like to know if an employee who has severed his connection with an employer is still an employee; and if he is, how can you include him in this paragraph?

Mr. WEBB. After he has ceased work he cares nothing more about the relation, provided he can not be compelled to go back to work, and we do not permit that in the bill. He could not be punished for persuading others to do likewise, and how would the word "or" help the situation?

Mr. MURDOCK. But these prohibitions against the use of the injunctive process are confined to the classes of cases set forth in the first paragraph of section 18, and that does not include strikers.

Mr. WEBB. It covers the entire field of strikes, primary boycott, and everything incident to a strike.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for another two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MURDOCK. I yield to the gentleman from Illinois.

Mr. BUCHANAN of Illinois. Mr. Chairman, my understanding is that strikers are employees who are seeking work under different conditions than they were working under when they struck. Strikers are really seeking work, but they are seeking their positions back under conditions which they desire.

Mr. MURDOCK. I do not think the gentleman can read that into the proposition.

Mr. BUCHANAN of Illinois. I do not think that as long as judges are going to construe laws in the narrowest possible way against labor that we will ever get anything right.

Mr. MURDOCK. That is what I am trying to guard against. I would like to ask the gentleman from Illinois if he can read into those various definitions of classes of cases where the position of a striker is included, and if the gentleman from Illinois realizes that the second paragraph of section 18 by the use of the word "such" in line 6 may narrow the very privileges that the gentleman is trying to expand?

Mr. BUCHANAN of Illinois. I would construe or define a striker as one seeking work under different conditions. As long as he is on strike he is certainly desirous of going back to work again on different terms. He is an employee until his place is filled, and as far as my understanding of it goes, while I do not believe we ought to leave any opening at all in regard to this, because our experience is that the judge has always put a narrow construction upon it——

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, where does the gentleman from Kansas suggest the insertion of the word "or"?

Mr. MURDOCK. Before the word "involving," in line 23, page 35, and I want to say to the gentleman from Massachusetts that my point was this: I may not have made it plain. The various definitions of classes of cases immediately preceding that line in the bill do not, to my mind, include strikers, and the abuse of the injunctive process which we are seeking here to cure has in the great majority of cases arisen from strikes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. MURDOCK. Yes.

Mr. GRAHAM of Pennsylvania. Would not the insertion of the word "or" before the word "involving" destroy the symmetrical construction and the real meaning of the sentence, because you must go back in reading this section to the beginning and, skipping over what I shall omit, read it in this way:

That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case involving or growing out of a dispute concerning the terms or conditions of employment.

That is what it means.

Mr. MURDOCK. Now, if the gentleman will follow me, what I am attempting to do is to read that paragraph in this way:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or in any case involving or growing out of a dispute—

And so forth.

In other words, we want to add another class of cases to those already in the bill.

Mr. GRAHAM of Pennsylvania. I suggest to the gentleman that he has all of that in the language of the section as it now stands, because it reads, beginning at the beginning and proceeding on to line 20—

In any case between an employer and an employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment involving or growing out of—

And so forth.

Mr. FLOYD of Arkansas. Will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. FLOYD of Arkansas. I desire to state that the insertion of the word "or" before "involving" would not improve the section, but, to my mind, would complicate it. "Involving" relates back to "case," and if you insert the word "or" I do not know what it would relate to.

Mr. MURDOCK. I grant that "involving" does refer back to "case," but by the inclusion of the word "or" you would make a new class of cases and include strikers. The gentleman from Arkansas knows that under this paragraph there are several kinds of classes to which are granted exemption; that is, cases between employer and employees, between employers and employees, and between two sets of employees, and between persons employed and persons seeking employment; but none of these classes of cases, to my mind, include strikers. And it was the strike which caused this proposition to be offered.

Mr. FLOYD of Arkansas. There is where I take issue with the gentleman.

Mr. MURDOCK. Will the gentleman explain how strikers are included?

Mr. FLOYD of Arkansas. I will give the gentleman my construction of it.

Mr. MURDOCK. I would like to hear it.

Mr. FLOYD of Arkansas. The provision reads:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment—

And so forth.

I think in every case of a strike where the purpose of the strike relates to the terms and conditions of employment it is included in the language of the bill. I can not agree with the gentleman from Kansas that when strikers temporarily quit work, demanding better terms and conditions before they resume, that the relation of employer and employee has ceased. It may have ceased temporarily, but this broad language used in the provision would undoubtedly include them.

Mr. MURDOCK. I hope the gentleman is right.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. GARDNER. I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. GARDNER. Now, will the gentleman from Kansas listen to me? He wishes to insert the word "or" before the word "involving," and that would make the clause read as follows:

SEC. 18. That no restraining order or injunction shall be granted * * * in any case * * * between employees * * * or involving or growing out of a dispute—

And so forth.

In other words, if an employee had a case against another employee, no matter what the cause, whether a labor dispute or anything else, under the gentleman's amendment no restraining order could issue. I believe the gentleman from Kansas is correct when he says that strikers are not employees; but I suggest an amendment which I think may fix it properly. In line 21, after the word "employees," insert the words "or persons seeking employment," so as to read:

That no restraining order shall issue in any case between employer and employees or persons seeking employment.

If the men were on strike, they would be seeking employment. Would not that amendment remove the difficulty?

Mr. MURDOCK. I suppose it would if you define persons seeking employment as referring to strikers. Yes; I think it would.

Mr. GARDNER. The same amendment must also be inserted in line 21, after the word "employees." I think if the gentlemen on the Judiciary Committee will turn their minds to the matter they will see that there is something in the contention of the gentleman from Kansas.

Mr. GORMAN. Will the gentleman yield?

Mr. MURDOCK. Yes.

Mr. GORMAN. I have listened to the discussion with a great deal of interest, and have given some study and thought to the question. I have discussed it also with some Members. I had in mind, when the committee amendment was disposed of, to suggest an amendment which I hope the committee will adopt. I think the gentleman from Kansas has suggested a weakness that ought to be corrected. The amendment I had in mind to propose is, on page 35, line 21, after the word "employee," insert "or persons between whom the relation of employer and employee is temporarily suspended because of a strike or lockout."

As I view it, a man on a strike has not necessarily terminated his employment, but the employment is temporarily suspended. But it might be construed that it was a complete cessation.

Mr. WEBB. He is seeking employment.

Mr. GORMAN. It might be construed differently.

Mr. MURDOCK. I think the gentleman's amendment would include my suggestion.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, I want to call attention to the language that strikes me may cover the situation. On page 35, line 23, suppose you were to add the words "or desiring" between the word "seeking" and the word "employment," in line 23. Would not that help the situation?

Mr. MURDOCK. I did not catch the language.

Mr. DICKINSON. In line 23, before the word "employment," insert "or desiring," so it shall read "seeking or desiring employment." I do not think that parties who are not either seeking employment or desiring employment, but who are simply creating trouble without wanting employment, ought to have any protection under this law, but those seeking or desiring employment should be protected.

Mr. MURDOCK. That would introduce a new element, and I am not prepared to say whether I would like it or not.

Mr. DICKINSON. If you put in the word "desiring" or "wanting employment," that would broaden it and cover that class of men who would strike and want employment, but leaves out that class of men who are trying to interfere between the employer and employee and do not want to work at all, and I suggest the addition of the words "or desiring employment."

Mr. DECKER. Mr. Chairman, I would like to ask the gentleman from Kansas if he would not make that plainer and entirely clear it up, and I would like to have the attention of the gentleman from Massachusetts [Mr. GARDNER] in connection with the point he raised. Would it not be better to insert, before "involving," the following words: "or in any case," so that the section would then read:

That no restraining order or injunction shall issue in any case between the employer and employees or between employers and employees or between employees, or between persons employed and persons seeking employment, or in any case involving or growing out of a dispute—

And so forth. Now, the reason for that is this: As I understand this section, the word "involving" modifies the words "in any case."

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. MURDOCK. The gentleman can take the floor in his own right.

Mr. DECKER. I will move to strike out the last word. Mr. Chairman, the trouble with the section, and the only trouble, is the word "involving" modifies the words "in any case," but being at the end of the paragraph and so far from the words "in any case," it might, at first reading, be thought to modify the word "employment," which it follows, and so I think the amendment should be "or in any case," inserted before the word "involving."

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will state that debate is exhausted on a similar amendment.

Mr. GARDNER. But I move to strike out the last word.

The CHAIRMAN. The Chair has stated that an amendment is already pending to that effect.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that the amendment to strike out the last word be withdrawn.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. GARDNER. Now, Mr. Chairman, I move to strike out the last two words. The amendment suggested by the gentleman from Missouri is the same amendment suggested by the gentleman from Kansas, only in a different form. It has the effect of which I complained in the case of the amendment offered by the gentleman from Kansas. The effect of inserting the language which the gentleman suggests would be that no restraining order could be granted by any court of the United States in any case between employees, whether the dispute referred to a labor difficulty or to some other kind of difficulty.

The result of the gentleman's wording is the same as the result of the wording suggested by the gentleman from Kansas. It would forbid the issuing of a restraining order in any case between employees, no matter what the cause was. The dispute might perhaps refer to the blocking of a water course. I suggest to the gentleman from Missouri that perhaps the words "or persons seeking employment" would not cover strikers inasmuch as strikers would not necessarily be seeking employment. Not being a lawyer, I feel a good deal of doubt as to my wisdom in making suggestions of this sort, but I suggest, in order to clear up this section and to leave the wording beyond peradventure of a doubt, that the members of the Judiciary Committee ought to insert some words in this section which would embrace strikers engaged in a contest with their employers under the significance of the word "employees."

Mr. HULINGS. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. HULINGS. What is the gentleman's idea of the effect if you simply strike out all in line 20 after the word "case" down to and including the word "employment," in line 23, so that it would read:

That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case involving or growing out of a dispute concerning terms or conditions of employment.

Mr. GARDNER. Now, I am not at all sure but what that is a solution of the whole question.

Mr. PHELAN. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. PHELAN. Let me ask the gentleman if this will not take care of the whole thing? By changing the order of this clause what it really means is this:

That in any case involving or growing out of a dispute concerning terms or conditions of employment between employer and employee—

And so forth.

Now, that covers the case of strikers, because the case originally grows out of a dispute between the employer and employee. I think that is just what it means, but the order of the words should be changed for clearness. It says in any case between employer, and so forth, whereas it means a dispute arising between employer and employee concerning terms or conditions of employment.

Mr. GARDNER. I see the gentleman's point, and it strikes me as being very ingenious. The dispute, of course, must have originated when the strikers were still employees.

Mr. PHELAN. The case where a dispute arises is in the case of a strike. If the word "employee" does not include a striker, it does not mean anything in this case, but it would simply mean there shall not be a restraining order between an employee and the man at present employed.

Now, if you change the order of that wording I believe the whole thing will be taken care of and there will be no misunderstanding.

Mr. GARDNER. The gentleman is right in the idea that when the dispute arose it was between the employer and employees, but it has been suggested by one of the gentlemen near me that many times people are engaged in a strike who never were employees of the employer with whom the dispute arose. At the same time, so long as the whole matter arises out of a dispute between employers and employees, it seems to me that that is where the suggestion of the gentleman from Massachusetts is pertinent, and that is what we are trying to arrive at.

Mr. PHELAN. The section does not say you shall not have a restraining order against employees. It says you shall not have a restraining order where a dispute arose between employers and employees, and it does not classify those against whom the order is to be made.

Mr. GARDNER. I think the gentleman's idea is a good one.

Mr. WEBB. Mr. Chairman, I will ask the gentlemen of the committee if we can not come to a limitation of time to the convenience of all. We have spent a good deal of time, and I am afraid we are splitting hairs.

Mr. MURDOCK. The gentleman from Pennsylvania [Mr. HULINGS] will speak for 5 minutes and the gentleman from Michigan [Mr. MACDONALD] will offer an amendment.

Mr. MANN. We want half an hour on this side.

Mr. WEBB. Is not that too long?

Mr. MANN. It may be; but still we want it.

Mr. STAFFORD. It is not all on the word "or."

Mr. MURDOCK. No; it is not on the word "or" entirely.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that the debate on the pending section and amendments thereto close in 50 minutes; 30 minutes to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and 20 minutes by myself.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that all debate on the pending section and amendments thereto close in 50 minutes; 30 minutes to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and 20 minutes by the gentleman from North Carolina [Mr. WEBB]. Is there objection?

There was no objection.

The CHAIRMAN. If there is no further discussion——

Mr. VOLSTEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for 5 minutes.

Mr. MANN. Mr. Chairman, we were told by the distinguished gentleman from Texas [Mr. HENRY] that this amendment had been submitted to the President, and met his approval. We have not yet been told by the distinguished gentleman from Kansas [Mr. MURDOCK] that this amendment has been submitted to Col. Roosevelt [laughter], although a few days ago the papers all carried the statements, repeated day after day, that the gentleman from Kansas and the members of the Progressive Party were going over to New York to find out what their attitude was on these labor amendments. [Laughter.]

We know that the Democratic side of the House does not know what its attitude is until the matter has been submitted to the President, and we were told that the Progressive Members of the House did not know what their attitude was until they had had a chance to consult Col. Roosevelt. Evidently, when the gentleman from Kansas went over and saw "the colonel" he did not derive very much comfort and did not get the information which he sought on this labor amendment, for yesterday, when the gentleman from Michigan [Mr. MACDONALD] offered an amendment to exempt all labor organizations and farmers' organizations from the operation of the antitrust laws, his colleague from Michigan [Mr. WOODRUFF], the other Progressive Member from that State, did not vote with him, and the chairman of the Congressional committee of the Progressive Party, a very distinguished gentleman of this House, for whom I have a high regard, my colleague [Mr. HINEBAUGH], did not vote with the gentleman from Michigan on his amendment. So I take it that when my friend from Kansas [Mr. MURDOCK] went to New York and asked "the colonel" what the gentleman from Kansas thought [laughter] on the subject of these labor amendments the colonel was not able to tell the gentleman from Kansas, and hence the Progressive Party yesterday was split up the back. [Laughter and applause.]

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly; even for an explanation. [Laughter.]

Mr. MURDOCK. I know the gentleman from Illinois is a very busy man. I will ask him if he has ever read the Progressive platform on this proposition?

Mr. MANN. Oh, that would not make any difference, whether I had or not.

Mr. MURDOCK. The platform is very specific, and I want to say to the gentleman from Illinois, if he will let me answer all his question, that "the colonel" stands on the Progressive platform, and the Progressive platform is all right.

Mr. MANN. How was it, then, that yesterday, when the gentleman from Michigan [Mr. MACDONALD] offered an amendment and voted one way, the other gentleman from Michigan [Mr. WOODRUFF], his compatriot Progressive, voted the other way, and that the gentleman from Kansas [Mr. MURDOCK], the leader of his party on the floor, voted one way and the gentleman from Illinois [Mr. HINEBAUGH], the chairman of the congressional committee of the Progressive Party, voted the other way? [Laughter.] Evidently they did not know how to read the Progressive platform [laughter], or else in that respect, as in many others, no one can tell, after reading it, what it means. [Renewed laughter.]

Mr. MURDOCK. Will the gentleman let me answer that question? He has asked the question why there was a division.

Mr. MANN. I have not asked any question. I have commented upon a fact, though if the gentleman denies the fact I will yield to him.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. MANN. Yes.

Mr. MURDOCK. I will answer the gentleman's question by saying that the members of the Progressive Party, unlike those of the Republican Party and the Democratic Party, are not hog tied in this House. They vote their own sentiments. That is the genius of our party.

Mr. MANN. Exactly. [Laughter.]

Mr. MURDOCK. We leave the individual free.

Mr. MANN. Yes.

Mr. MURDOCK. But I would make this exception, that the gentleman from Illinois—if the gentleman will permit me——

Mr. MANN. I would like to have a little of my own time. The gentleman from Kansas says that the Progressives vote their sentiments. That is true; but they do not know what their sentiments are until after the gentleman from Kansas goes over to New York and asks "the colonel" what the gentleman from Kansas thinks. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for five minutes.

Mr. TOWNER. Mr. Chairman, referring again to the matter in controversy, I want to call the attention of the committee to this fact: I think the gentleman from Kansas [Mr. MURDOCK] was undoubtedly right in his contention; but I think he is wrong, and others are wrong, in saying that the phrase and others following it "involving or growing out of" refers back to "any case." If that were true, then there would be no necessity for the disjunctive "or."

But I call the gentleman's attention to this fact, that this is a prohibition against any restraining order being granted in cases, first, of a dispute between an employer and employee; second, between employers and employees; third, between employees; fourth, or between persons employed and persons seeking employment.

Now, if you desire another class, you will have to use another disjunctive "or," else the words following it are only qualifying or limiting words to the phrase:

Or between persons employed and persons seeking employment.

There is no question whatever about the grammatical effect of the words—

Involving or growing out of a dispute concerning terms or conditions of employment.

As it now is, it limits the statement immediately preceding "or between persons employed or persons seeking employment," because the words "or between persons employed and persons seeking employment" are one clause, and you should have following that the words "or in cases involving or growing out of a dispute concerning terms or conditions of employment" if you wish the section really to mean what you intend it to mean. I call the attention of the committee also to this fact, that however this may be interpreted, you certainly ought not to allow the comma to follow "of" in line 23, page 35. If you leave it there, it will further cloud the meaning of the section and

give rise to further controversy that may be disastrous. There is no reason for the insertion of the comma. As it is, it breaks the clause and makes its application uncertain.

Mr. FLOYD of Arkansas. Will the gentleman from Iowa yield?

Mr. TOWNER. Certainly.

Mr. FLOYD of Arkansas. I desire to transpose the language so as to give the meaning as I understand it, without changing the wording, except transposing the words:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case involving or growing out of a dispute concerning terms or conditions of employment between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, unless necessary to prevent irreparable injury to property—

And so forth. That is exactly what it means as it is written; but by transposing the words you get the meaning more clearly.

Mr. TOWNER. I think if the gentleman will transpose those words it might have the effect that he desires, although——

Mr. FLOYD of Arkansas. That is what it means now. The word "involving" modifies the word "case" and nothing else.

Mr. TOWNER. No; the gentleman is mistaken about that. You can not take a lot of instances which are marked off from one another by the word "or" and then have these words "involving or growing out of a dispute" follow one of those disjunctive instances, without limiting its application to that disjunctive instance That is very clear. It will serve the purpose the gentleman desires if he places it where he has just read it, because then it would not follow or modify or limit one of those clauses.

Mr. FLOYD of Arkansas. The purpose was to make the phrase "involving or growing out of a dispute" modify the word "case." We understand that is what it means now, and we are perfectly willing to transpose the words as indicated.

Mr. TOWNER. It might serve the purpose intended by transposition, but certainly it does not do so now.

Mr. FLOYD of Arkansas. The committee is convinced that that is what it means.

Mr. VOLSTEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report. Without objection, the amendment will be considered as pending.

The Clerk read as follows:

Page 36, at the end of the amendment offered by Mr. WEBB, add the words "but nothing in this act shall be construed to permit a secondary boycott."

Mr. VOLSTEAD. Mr. Chairman, I desire to call attention to this language, so that members of this committee may know just what they are voting for. I will read it, omitting matters not pertinent, so as to call to the attention of the committee the point I have in mind. The second paragraph of this section reads:

No injunction shall prohibit any person from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do.

That is the plain reading of the provision. In the light of decisions that we have had on the subject of a secondary boycott, can it be questioned that the amendment offered by the gentleman from North Carolina [Mr. WEBB] will legalize the secondary boycott? I want this House to know just what is proposed, so there can be no dispute in the future as to the attitude that we are assuming. While I have always strongly sympathized with labor, may not friends of labor hesitate? With this amendment we shall erase from the statute books practically every Federal law that can reach organized labor or any kind of labor. Is that what we desire? If it is, let us be frank enough to say so. There are two sides to this proposition.

If there is to be no law to protect property or the man who seeks to labor, if the courts are to be deprived of their power to protect property and personal rights, the only thing left is civil war. How long do you suppose the public is going to submit to such a program. A strike does not only injure the parties engaged in it. The community in which it occurs suffers severely. I recall very vividly the effect of the coal strike that occurred some ten or twelve years ago. The suffering which the country endured was very great. Should another strike of that kind occur, in what condition would we be in the absence of any law to protect persons or property and in the absence of the restraining influence of the courts? Would not public indignation write upon the statute books far more drastic laws than anything now complained of. It is true that State laws will apply to and condemn many acts, but such laws can not protect the free flow of interstate commerce, and without such commerce the country must suffer severely. Those who refuse to protect the people now may not then find it easy to explain their course.

Do we want to place ourselves in the attitude of exempting any class of our citizens from the operation of the law that applies to other citizens? It seems to me that this is the real question that is before this House, and one that you can not avoid or dodge. It seems to me that we ought to face it as it is, and not pretend that this section means something different from its plain reading. I have asked you to write an amendment into this act so as to make it plain that it means what you say it means. I do not believe the President will sign this bill with a provision in it which legalizes the secondary boycott. I do not believe any such law can be constitutional. A person not a party to the dispute may be absolutely ruined by such a boycott. Is he to have no remedy under the laws of this land?

Mr. MAHER. Will the gentleman state what his opinion is of a secondary boycott?

Mr. VOLSTEAD. I can not go into that; it has been discussed in the courts, and it has always been condemned. I do not know that there ever was a decision in its favor.

Mr. MAHER. Some people do not know just what it means. I would like to have the gentleman's idea of a secondary boycott.

Mr. VOLSTEAD. A secondary boycott affects and injures a party not concerned in the dispute.

Mr. MAHER. In case of a dispute between railroad employees on a trolley road and their employers, where an employer locks them out, as it were, issues an order that on and after a certain day they will not be employed on account of their connection with a labor organization, and the merchant on the outside doing business down town takes the part of the employer and patronizes the employer, is he not taking the part of a secondary boycott?

Mr. VOLSTEAD. I am not going into a discussion of the different phases of a secondary boycott. The question of what is a secondary boycott is pretty well understood.

Mr. MAHER. It is from one side.

Mr. VOLSTEAD. I have not the time to go into it more fully.

Mr. MOORE. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MOORE. The gentleman has been dealing with the secondary boycott in which property rights may be invaded, and where the injured party may not be concerned in the dispute between capital and labor. Will the gentleman explain what is meant by this language, on page 36, line 10:

And no such restraining order or injunction—

And so forth—

shall prohibit any person or persons from attending at or near a house or place where any person resides or works or carries on business or happens to be—

And so forth.

Does that mean any person or persons, organized or unorganized, may assemble in or at the house of a workingman?

Mr. VOLSTEAD. Yes; and in as large numbers as they choose.

Mr. MOORE. And interfere with his peace and right of employment. Is not that an invasion of personal liberty, to say nothing of the invasion of the rights of property? Does not this tend to restrict the liberty and labor of the person owning or occupying that house?

Mr. VOLSTEAD. I think it does. Mr. Chairman, I ask the other side to consume some of its time.

Mr. MOORE. I understood the gentleman to say that it does restrict personal liberty?

Mr. VOLSTEAD. Yes; it may. The fear inspired by large numbers may and often is as effective as the actual force, though no actual force is used.

Mr. WEBB. Mr. Chairman, I should vote for the amendment offered by the gentleman from Minnesota if I were not perfectly satisfied that it is taken care of in this section. The language the gentleman reads does not authorize the secondary boycott, and he could not torture it into any such meaning. While it does authorize persons to cease to patronize the party to the dispute and to recommend to others to cease to patronize that same party to the dispute, that is not a secondary boycott, and you can not possibly make it mean a secondary boycott. Therefore this section does not authorize the secondary boycott.

I say again—and I speak for, I believe, practically every member of the Judiciary Committee—that if this section did legalize the secondary boycott there would not be a man vote for it. It is not the purpose of the committee to authorize it, and I do not think any person in this House wants to do it. We confine the boycotting to the parties to the dispute, allowing parties to cease to patronize that party and to ask others to cease to patronize the party to the dispute.

Mr. MOORE. I call the gentleman's attention to line 10, page 36, where one of the privileges against which restraining orders may not issue is "attending at or near a house or place where any person resides or works or carries on business or happens to be." Does not that mean an invasion of the constitutional right of the citizen, and that men, organized or unorganized, embittered against one of their number or prejudiced in the extreme, may sit on the doorstep in your house and discuss with your wife while she is preparing the evening meal your right to work?

Mr. WEBB. Oh, my friend does not mean to put that language in, because it is ridiculous.

Mr. MOORE. That is what it seems to say.

Mr. WEBB. I will not say ridiculous, but it is an absurd conclusion to draw from this language.

Mr. MOORE. You gentlemen, as lawyers, know that you have to take the text, and you propose to put this language into law. Now, I will not say the Federation of Labor, because I believe that to be a law-abiding body, but the Industrial Workers of the World. Under this paragraph they may go to your house or attend "at or near your house"——

Mr. WEBB. It does not say that they may go into a man's castle.

Mr. MOORE. You may have a little garden around your house, and they can go into that garden, and that is "at" your house.

Mr. WEBB. It does not say that you can go onto the premises that you are forbidden to enter. That is a man's castle and sacred all over the world where the Anglo-Saxon tongue is spoken. We do not authorize anything like taking charge of a man's home. A man can do these things to-day, if he does it in a peaceful way.

Mr. MOORE. We have recently heard of "gun men" going to a man's premises, revolvers in their pockets, "peacefully" to persuade a man not to go to work until some understanding has been had with him; and that in cities, where the people are packed together, not out in the country. I do not lay this to legitimate labor unions.

Mr. WEBB. What did the gentleman's city authorities do under those circumstances?

Mr. MOORE. Oh, the police authorities, if they can reach such men, do it.

Mr. WEBB. Do what?

Mr. MOORE. Seize the gun men.

Mr. WEBB. They can do the same thing under this act.

Mr. MOORE. I question whether they could in certain interstate relations.

Mr. WEBB. Mr. Chairman, I decline to yield further. My friend refuses to read the further portion of this same sentence.

Mr. MOORE. I know this pertains to a Federal injunction.

Mr. WEBB. It says for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or to abstain from work. The idea of peacefully assembling runs all the way through this entire section, and unless it is done peacefully it is in violation of the law.

Mr. MOORE. I understand the peaceful part of it thoroughly; but suppose we take the instance of Tarrytown, N. Y., and substitute a workman who is earning two or three dollars a day for John D. Rockefeller, jr. I presume he would be entitled to some protection. I presume the cause of the trouble did not originate in Tarrytown, N. Y., but out in Colorado.

Mr. WEBB. And does the gentleman want to deny to the laboring man——

Mr. MOORE. And I presume in that case your Federal injunction——

Mr. WEBB. Mr. Chairman, I decline to yield further, unless the gentleman will permit me to ask him a question or to answer one of his.

Mr. MOORE. This is a very important question, and the gentleman has limited the time for debate.

Mr. WEBB. Would the gentleman deny to a laborer or to any other person in the United States the right to peacefully assemble and discuss his grievance?

Mr. MOORE. I certainly would not.

Mr. WEBB. Then the gentleman should vote for this section.

Mr. MOORE. But I would vote to sustain the humblest individual in his right to have his home protected.

Mr. WEBB. This section does that, because it does not include the criminal law of the land.

Mr. MOORE. I think the gentleman can not have had very much experience with "peaceful persuasion."

Mr. WEBB. Whether it be a laboring man or a lawyer or a merchant or a banker who violates the law, the law will consider him.

Mr. MOORE. And when you permit the Industrial Workers of the World, who have a pretty broad field—and it is said that they also operate in Europe, where we can not reach them—to camp on the gentleman's doorstep in North Carolina, or on that of some laboring man who may not agree with them, it might be that he would like to have some court to go to when he found he was unable to protect himself. He ought to have some place to go.

Mr. WEBB. I want to tell the gentleman that we have courts to go to to protect ourselves under those circumstances, and if the gentleman has not in Pennsylvania, I invite him to come down to North Carolina.

Mr. MOORE. I am going to say something about the industrial conditions in the gentleman's State in a day or two, but I am referring now to the Industrial Workers of the World and others who may or may not respect the law.

Mr. WEBB. Does the gentleman mean the "I won't work" people?

Mr. MOORE. I believe the gentleman to be the friend of labor, as I believe all of us want to be, but I think most men in a great House like this, a deliberative assembly of the people's representatives, ought to be fair to all labor. We ought to deal with all of the workers of the land without specializing a few. It is a question whether under the badge of organization we are bound to pass laws here covering 30,000,000 wage earners in this country, most of whom are unorganized and not represented here at all. I question whether the hundred millions of people of this country do not look to this Congress to deal fairly with every man who has a right to protection under the Constitution of the United States.

Mr. WEBB. Mr. Chairman, while I like to hear my friend talk——

Mr. MOORE. Oh, I know, and thank the gentleman, but I have gotten in a little of something that ought to be said.

Mr. WEBB. After that beautiful piece of eloquence, I will ask the gentleman if he did not vote for the amendment which I offered yesterday?

Mr. MOORE. Which amendment?

Mr. WEBB. The amendment providing for the exemption of labor organizations and farmers' organizations.

Mr. MOORE. I was not here yesterday when that vote was taken. There are certain legal phases of that question which are open to dispute, but if I believed his amendment was in favor of a legal classification of labor against other classes of labor, I would have voted against it.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. MURDOCK. Mr. Chairman, I do not think the gentleman completed that colloquy. The gentleman from Pennsylvania [Mr. MOORE] indicates that he might have done differently from the other 207 of us.

Mr. MOORE. I think the 207 ran away like a flock of sheep yesterday. They were terrorized, too much terrorized to do the business of this country for a hundred million people, rather than for the few gentlemen who seem to hold this House in the hollow of their hands.

Mr. MURDOCK. The gentleman, then, would have voted against this proposition?

Mr. MOORE. I think I would have voted against almost anything the gentleman from Kansas brought in, because he does not know legislation or the rights of the people.

Mr. WEBB. Mr. Chairman, I yield the floor. How much time have I used?

The CHAIRMAN. Five minutes.

Mr. VOLSTEAD. Mr. Chairman, I yield four minutes to the gentleman from Michigan [Mr. MACDONALD].

Mr. MACDONALD. Mr. Chairman, just a word in regard to what the gentleman from Illinois had to say, facetiously, I presume, as to the position of the Progressive Party upon the amendment yesterday. In view of the fact of the condition of the Republican Party upon this trust legislation, as is shown by the varying minority reports that are filed by the Republican members of the Judiciary Committee, it seems to me that it ill becomes the gentleman from Illinois to comment upon any diversity of opinion upon any branch of this subject.

Mr. Chairman, the amendment that has been suggested here by a number of gentlemen, involving the use of the word "or" in line 23, unmistakably makes a new class of cases that will be included if the word "or" or language substantially accomplishing the same purpose is inserted. And I want to call attention again to the fact that has been mentioned by my colleague from Kansas, and that is that this becomes doubly important in view of the use of the word "such" in line 6 of the

next paragraph, because by the use of the word "such" in line 6, the next paragraph——

Mr. CLINE. Will the gentleman yield?

Mr. MACDONALD. I just want to finish this. The equity power conferred in this part of the law is limited absolutely to four classes laid down in paragraph 1, and if you leave out the word "or," or its equivalent, you limit these cases to four classes only, and you leave out cases where strikes exist; but if you put the word "or," or its equivalent, in you make it five classes and include these cases.

Mr. WEBB. Will the gentleman yield for a question?

Mr. MACDONALD. Yes.

Mr. WEBB. What other case can the gentleman imagine could be included in this? Any case involved or growing out of a suit concerning terms or condition of employment. Does not that cover the whole range of strikes, employment, wages, hours of labor, and so forth?

Mr. MACDONALD It says in any case growing out of a dispute between persons employed and persons seeking employment. Now, it has been argued, and I think it is true, that a person on strike or after he has struck or has been discharged is not a person seeking employment.

Mr. WEBB. He is seeking employment—that is why he strikes.

Mr. MACDONALD. But the language says, "or between persons employed and persons seeking employment," and the previous language is "in any case between an employer and employees or between employers and employees or between employees." Now, the use of the disjunctive makes a new class named herein, and clearly includes all involved in disputes of the character described in the language that follows.

Mr. WEBB. That is where the gentleman and I differ. It covers every case involving or covering every phase of employment.

Mr. MACDONALD. I desire to offer, and I shall offer, an amendment, page 35, line 23, after the word "employment," to insert the following: "In the case where a strike or lockout exists or is threatened, or in any other case"; and also, when we reach it, I wish to offer an amendment to strike out the word "such," in line 6, page 36.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield the gentleman from Pennsylvania [Mr. HULINGS] four minutes.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Michigan will be reported for information.

The Clerk read as follows:

Page 35, line 23, after the word "employment," insert the following: "In the case where a strike or lockout exists or is threatened, or in any other case."

The Clerk reported a second amendment of Mr. MACDONALD, as follows:

Page 36, line 6, strike out the word "such."

Mr. HULINGS. Mr. Chairman, the facetiæ of the gentleman from Illinois indicates that the Democratic Party has all its inspirations from the gentleman at the White House. It seems to me he seems to indicate, in his opinion, that the gentleman from Kansas [Mr. MURDOCK] trails after Col. Roosevelt, and he gets his inspiration there and he spreads that among the members of the Progressive Party. Well, if this were true, it must be conceded that the Democrats have a good man to go to [applause on the Democratic side], and the Progressives have a good man to go to, but where in the world do the Republicans themselves have to go? [Laughter and applause.] It seems to me they have to go to the classic shades of Yale to get inspiration from a dead one. [Laughter and applause.] He charges the Progressives have no consistency, and for heaven sake if there ever was any inconsistency is not it demonstrated in the Republican ranks on this side, where a great many of them have been elected as Progressives, indorsing that platform and agreeing to stand by that platform, and coming down here and going in with the same old gang.

Mr. GREEN of Iowa. And a good many Progressives have been elected as Republicans who did not stand by that party.

Mr. MURDOCK. This is Exhibit A.

Mr. HULINGS. This is Exhibit A and that is Exhibit B. [Laughter.] Mr. Chairman, aside from jesting, and I want you to understand there is a whole lot of truth in that jest, but aside from that, referring to the thing right in point, it seems to me that all of this controversy can be set aside by striking out, in line 20, after the word "case" on page 35, down to and including the word "employment" in line 23, so that the language will read:

That no restraining order or injunction shall be granted by any court of the United States, etc., in any case involving, or growing out of, a dispute concerning terms or conditions of employment—

And so forth.

Now, without any question, there may be cases in which injunctions will be applied for as against or involving persons who are not employees, because when a labor organization orders a strike and men cease to work and march out they are in no sense employees. They may be joined by men who never were the employees of the party seeking the injunction, who are the very ones doing the things complained of. But the suggestion I make here would leave out all difficulty of that kind. You would include every person in any case involving or growing out of a dispute concerning terms or conditions of employment. I wish to bring that to the attention of the committee, and especially the gentleman from North Carolina, because I believe it will commend itself to him as a reasonable, rational, and very clear exposition of what is intended in this section. I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULINGS. Mr. Chairman, I desire to send this amendment to the desk and ask to have it read for information.

The CHAIRMAN. Without objection, the Clerk will report the amendment for information.

The Clerk read as follows:

Amendment by Mr. HULINGS:
Page 35, line 20, after the word "case," strike out all down to and including the word "employment," in line 23.

Mr. WEBB. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I hope some one will send for the gentleman from Pennsylvania [Mr. MOORE]. Can not the gentleman yield to me later when he gets back?

Mr. HULINGS. I suggest the gentleman from Kansas go after him.

Mr. MURDOCK. No; I will let him come back.

Mr. WEBB. Does the gentleman from Minnesota desire to use any more of his time?

Mr. VOLSTEAD. Not at this moment.

Mr. WEBB. Mr. Chairman, just one word. It is quite evident that Members of the House have a wide difference of opinion as to this particular section, and I want to say the committee has worked over it again and again and again, we have gone over it for two years, and that this particular language in this particular section has been indorsed probably by every labor union in the United States. It is an excerpt from what is known as the Bacon-Bartlett bill, and it covers in a proper way, we think, every possible angle of the strike situation. We think any sensible man will agree that a striker is a person who seeks employment, otherwise he would not strike, and those are the ones we ought to take care of, at least the labor organizations of America think so, and I trust that the committee will leave the section as it is. If you begin changing the section I do not know where it will land us.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Pennsylvania?

Mr. WEBB. Yes.

Mr. HULINGS. What would you think, then, of the application of the section in a case of this kind. You are an employer of labor; your men cease work; I am in sympathy with them; I never was in your employment, and I do not seek any employment, but I go in and make common cause with them against you, and you take me into court. What would you do in that case?

Mr. WEBB. You would have no business hanging around there. You would have no business "butting in," if you are not a party in the dispute. That is labor's own cause, and if the employer and the employee grip on the proposition, we will take care of that.

Mr. HULINGS. In a section later you justify me in going in and making common cause against them.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Missouri?

Mr. WEBB. Certainly.

Mr. ALEXANDER. In the case mentioned by the gentleman from Pennsylvania this writ of injunction would not apply at all. This injunction would go against other people?

Mr. WEBB. Certainly. We want to confine the language to the parties to the dispute, and no others.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes; I yield to the gentleman from Massachusetts.

Mr. GARDNER. The gentleman says that he thinks the language "persons seeking employment" covers persons on strike?

Mr. WEBB. Yes, sir. That is the opinion of the committee.

Mr. GARDNER. But section 18 does not mention disputes between "employers and persons seeking employment."

Mr. WEBB. Oh, yes. I think that is covered.

Mr. GARDNER. Oh, no. The wording relates to cases "between persons employed and persons seeking employment."

Mr. WEBB. I think that is covered.

Mr. GARDNER. Oh, no. A dispute between "persons employed and persons seeking employment" is a very different proposition from a dispute between employers and people seeking employment. There might be something in the gentleman's contention if the clause referred to cases "between employers and persons seeking employment." I call the gentleman's attention to line 22, which refers to cases "between persons employed and persons seeking employment." I think that that clause refers to disputes between persons known as "scabs" and the usual force of employees in any establishment.

Mr. WEBB. I do not know what you mean by "scabs," but it says "between persons employed and persons seeking employment."

Mr. GARDNER. It is all qualified by what goes before it. What is your objection to extending the definition of the word "employees" by a proviso at the end of the section. I suggest something like this: "The term 'employees' in this section shall be held to include persons whose status as employees has been suspended by a strike or lockout." What is your objection to that?

Mr. WEBB. You might weaken the section by doing it. Now I yield three minutes to the gentleman from Kansas [Mr. MURDOCK].

The CHAIRMAN. The gentleman from Kansas [Mr. MURDOCK] is recognized for three minutes.

Mr. MURDOCK. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] this morning took occasion to drive up to my front door and leave a bouquet. [Laughter.] I want to make acknowledgment of the fact.

Mr. MOORE. There were some thorns among the roses. [Laughter.]

Mr. MURDOCK. If the gentleman will permit me to go on, I will yield to him later. The gentleman from Pennsylvania makes a general charge of cowardice against the membership of Congress. When asked the simple question how he would have voted yesterday had he been here, he followed the characteristic Republican attitude, and dodged. How would the gentleman from Pennsylvania have voted in the House yesterday? Will the gentleman answer the question and stop dodging?

Mr. MOORE. If I had thought that a vote "aye" would have meant to specialize a certain class of the 30,000,000 of workers in this country, I would not have voted "aye," nor would I have played the game of buncombe which has been played since this agitation began.

Mr. MURDOCK. The gentleman from Pennsylvania typifies the political situation that prevails in the country. "Truth is mighty and will prevail." There is talk in New York and in Washington, with the aid of the press, in San Francisco and St. Louis, of amalgamation between the Progressive Party and the Republican Party. Do you think there is any chance of amalgamation between a set of men who want to go forward and a set of men, typified by the gentleman from Pennsylvania, who evade, dodge, and sidestep on everything? [Laughter and applause.]

Mr. MOORE. Mr. Chairman——

Mr. MURDOCK. The gentleman from Illinois [Mr. MANN] also demonstrates this morning, I think, the situation of the country, and proves that there is no prospect of harmony between the Progressive and Republican Parties. The gentleman from Illinois typifies by his charge against me—facetious enough in its way—precisely what has been the matter with him in the last six or seven years with respect to the political situation. He did not consult Col. Roosevelt enough. By having consulted Col. Roosevelt a little more he and his party would be—well, somewhere else than on the road to destruction and decay, as it is. [Laughter.] Col. Roosevelt can not be justly accused of dodging or evading any public question.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MURDOCK. I would like just two minutes more.

Mr. WEBB. I will give the gentleman two minutes more.

Mr. MURDOCK. The three parties are shown precisely as they stand before the Nation in the attitude of the gentleman from Pennsylvania [Mr. MOORE], that of the gentleman from Illinois [Mr. MANN], and that of the gentleman from North Carolina [Mr. WEBB] and the Progressives on this floor. For a matter of four or five years, to my knowledge, under the leadership of Mr. Taft, backed up by the gentleman from Illinois [Mr. MANN], the reactionaries here and at the other end of this building absolutely locked away in committee every bit of remedial legislation that labor wanted. Every man within the sound of my voice knows that that is true.

In those days every time we succeeded in getting an amendment in favor of the exemption of organized labor we had to do it by revolution, over the protest and veto of the Republican leader in this country, Mr. Taft, and I think sometimes over a rather serious protest from the gentleman from Illinois [Mr. MANN], although I am not certain about that.

The Democrats came into power with a plain pledge in their platform to exempt labor, after a record of amendments in the House and Senate which gave in terms exemption. And what did the Democrats do? Why, they have followed their usual plan of action and have brought into the House for the indorsement of the Members an amendment that is ambiguous. If you put the Progressives in power, Mr. Chairman, we will not dodge as the Republicans have dodged, we will not be ambiguous as the Democrats have been ambiguous; we will bring in an exemption clause that will mean business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield three minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I have not dodged any issue, and I have not waited for a nod from the galleries to determine how I shall vote, as the gentleman from Kansas has persistently done throughout this debate.

Mr. MURDOCK. Will the gentleman yield?

Mr. MOORE. No; I will not. I have not even changed the RECORD, as the gentleman from Kansas [Mr. MURDOCK] has done this morning. After pleasing our labor friends in the galleries by frequent glances up that way, and by smiles and nods, and after referring to the National Association of Manufacturers, possibly forgetting that the late Progressive candidate for governor in Massachusetts, Mr. Bird, was not only a Progressive but a leading member of the Manufacturers' Association which he denounced, and for which denunciation he received applause, the gentleman from Kansas changed the RECORD this morning so that instead of calling that association the "corrupt" National Association of Manufacturers he has, with Col. Bird, the Progressive, in mind, changed it to the "powerful" National Association of Manufacturers. I do not have to correct the RECORD in that way, because I am not constantly watching what Mr. Gompers and Mr. Morrison and that able band of labor leaders up there in the gallery are doing or thinking as to my vote. I should feel myself despicable indeed if I stood here as a representative of the people and voted to exempt Mr. Samuel Gompers or Mr. Frank Morrison or others up there in the gallery from the operation of the criminal laws of this country and made a special class of them or any hundred of them. I would not exempt John D. Rockefeller from the operation of the criminal laws of this country, nor would I exempt Andrew Carnegie from the operation of those laws; but before and within the law I would hold each man responsible for his own acts, the man who employed and the man who was employed alike. I would not make fish of one and fowl of the other. And if it be a crime in the presence of the labor representatives who have been in the galleries dictating this legislation for the last 10 days to make this declaration in favor of the rights of the workingmen of this country regardless of union or nonunion, then I stand convicted before them; but before the people and before my conscience I am grateful for the opportunity to say that I would not vote for special legislation exempting crime nor for the amendment offered by the gentleman from Kansas, who is playing politics and has been playing to the galleries from one end of this debate to the other.

Mr. MURDOCK. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield the remainder of my time to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for two minutes.

Mr. MANN. Mr. Chairman, the gentleman from Kansas [Mr. MURDOCK], who was elected as a Republican——

Mr. CAMPBELL. And he could not have been elected if he had not been.

Mr. MANN (continuing). Like a number of other gentlemen in the House who were elected as Republicans—some of whom now have the courage to call themselves Progressives and abuse the Republican Party all the time, although they never were elected upon any ticket except the Republican ticket—will have the opportunity next November of running as Progressives. There has been talk of amalgamation, as the gentleman from Kansas [Mr. MURDOCK] says, but the so-called Progressives throughout the country, the men who voted for Col. Roosevelt the last time, are coming back to the Republican Party. It is

not an amalgamation, and whatever the outcome may be, the gentleman from Kansas will be left out in the cold. He was elected as a Republican. He repudiated the party which he followed until he had been elected, and when the Progressives come back to the Republican Party, as the voters will, these little so-called leaders in the House, who can not think for themselves, who have no position upon any question until they have asked the colonel, and now can not find out from the colonel—they can still continue to be Progressives, but enough of the people will come back into the Republican fold until this House will be Republican the next time. [Applause on the Republican side.]

Mr. HULINGS. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD] to the amendment offered by the gentleman from North Carolina [Mr. WEBB].

Mr. GRAHAM of Pennsylvania. May we not have the amendment reported again? After this desultory debate we have lost sight of the amendment.

The CHAIRMAN. The Clerk will report the amendment and the amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WEBB:
At the end of section 18, line 23, on page 36, strike out the period and insert a semicolon and add.
"Nor shall any of the acts specified in this paragraph be considered or held unlawful."
Amendment to the amendment offered by Mr. VOLSTEAD:
Page 36, at the end of the amendment offered by Mr. WEBB, add:
"But nothing in this act shall be construed to permit a secondary boycott."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

Mr. WEBB. A division, Mr. Chairman.

Mr. FOWLER. Mr. Chairman, I ask for a division.

The CHAIRMAN. The Chair thinks the gentleman is too late.

Mr. GARNER. Mr. Chairman, the Chair did not state that the ayes seemed to have it, and therefore the gentleman from North Carolina was in time, because the Chair announced that the ayes had it and hardly gave the gentleman from North Carolina an opportunity for division.

The CHAIRMAN. The Chair only heard one vote in the negative, and for that reason announced the result. The Chair is of the opinion that the request for division comes too late unless some gentleman was on his feet.

Mr. HENRY. The gentleman from North Carolina was on his feet as quickly as possible asking for a division.

The CHAIRMAN. The Chair thinks the request comes too late. The Clerk will report the amendments in the order in which they were offered.

The Clerk read as follows:

Amendment offered by Mr. MACDONALD:
Page 35, line 23, after the word "employment," insert the following: "In a case where a strike or lockout exists, or is threatened, or in any other case."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MACDONALD) there were 15 ayes and 80 noes.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Second amendment by Mr. MACDONALD:
Page 36, line 6, strike out the word "such."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. HULINGS:
Page 35, line 20, after the word "case," strike out all down to and including the word "employment," in line 23.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I offer the following amendment which I send to the desk as a new section.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. If an amendment is offered as a new section, will that deprive a Member of the right to offer an amendment to section 18?

The CHAIRMAN. The Chair will state to the gentleman that the committee has disposed of section 18. The gentleman from Indiana offers an amendment as a new section, but the Chair is unable to determine its application until the amendment is read.

Mr. BARTLETT. But we have not passed section 18. The gentleman from Illinois has an amendment to section 18, and he is entitled to offer it now.

Mr. CULLOP. Mr. Chairman, we had passed section 18 and the Chairman had instructed the Clerk to read, and I offered my amendment as an additional section.

The CHAIRMAN. The Chair has so stated to the committee.

Mr. FOWLER. Mr. Chairman, I do not desire to interfere with the gentleman from Indiana at all, except that I do not want to pass section 18 without the right of offering a very slight amendment.

The CHAIRMAN. The Chair will be obliged to hold that the gentleman must have unanimous consent to return to section 18.

Mr. FOWLER. Then, Mr. Chairman, I ask unanimous consent to return to section 18.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to section 18.

Mr. MANN. Reserving the right to object, Mr. Chairman, my colleague from Illinois arose and offered to submit a preferential amendment to section 18. We had not passed section 18, except to close debate, and the gentleman from Indiana proposed to offer an amendment as a new section. My colleague could not tell whether the gentleman from Indiana proposed to offer a new section or to amend section 18 until the gentleman from Indiana stated his purpose. When he did my colleague said that he desired to offer an amendment to section 18. Certainly that was in order as a preferential motion, not debatable, of course, because debate has been closed.

The CHAIRMAN. In any event the Chair hears no objection to the request of the gentleman from Illinois.

Mr. FOWLER. On page 35, line 20, I move to insert after the word "case" a comma.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 20, after the word "case" insert a comma.

Mr. FOWLER. Mr. Chairman, I have but one word to say.

Mr. MANN. Mr. Chairman, debate is closed.

The CHAIRMAN. Under the order of the committee the gentleman from Illinois can not be recognized to discuss his motion. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 3, noes 27.

So the amendment was rejected.

The CHAIRMAN. The gentleman will now report the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The Clerk read as follows:

Amend, page 36, by adding a new section to be known as section 18a:
"The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States, and no case arising under this act and brought in any State court of competent jurisdiction shall be removed to a court of the United States."

Mr. WEBB. Mr. Chairman, I reserve a point of order against that amendment, to its germaneness and to its insertion in this place in the bill.

Mr. MANN. Oh, let us have the point of order disposed of. I demand the regular order.

The CHAIRMAN. The regular order is called for.

Mr. CULLOP. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. Has the point of order been made?

The CHAIRMAN. The Chair will hear the gentleman briefly on the point of order. The regular order has been called for. The Chair understood the gentleman from North Carolina to make the point of order.

Mr. WEBB. I make the point of order.

Mr. CULLOP. Mr. Chairman, this being an independent section, it can be introduced at any place in the bill. It is not dependent on any other section; it is not an attempt to amend any other section or to qualify other than extend the process of the courts or the jurisdiction of cases to be tried under the provisions of the act, so that it is not material whether it be introduced after section 18, after section 14 or 15, or any other section. It might come at the end of the bill, and would be

applicable there, so that not being an amendment to any particular section of the bill it is germane in any place in the bill at which it may be introduced, because it is a new section and a section that gives jurisdiction to State courts as well as the Federal courts in actions arising under the provisions of this act.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. BARTLETT. This amendment does not simply confine the right to sue in the State courts to the matter of granting injunctions, but it is general in its jurisdiction. Is that true?

Mr. CULLOP. That is true.

Mr. BARTLETT. In other words, that any proceeding under this bill to enforce the law provided for in the bill can be brought in a State court as well as in the Federal court?

Mr. CULLOP. Yes.

Mr. BARTLETT. In other words, it confers concurrent jurisdiction on the State courts with the Federal courts to enforce any part of this bill, either civil or criminal?

Mr. CULLOP. That is the object of it; but, of course, it would apply to civil cases. Mr. Chairman, if it was simply applying to any particular section of the bill in reference to the bringing of suits and the trying of cases, then its germaneness might be attacked, as it is now, because it should be made a part of the section to which it would be applicable under the circumstances; but being applicable to every provision of the bill, giving jurisdiction to State courts to try any violation defined under any provision of the bill, it is germane at any point in the bill, as an independent section.

The CHAIRMAN. The Chair thinks the amendment is in order.

The question is on agreeing to the amendment.

Mr. CULLOP. Mr. Chairman, I desire to be heard on the merits of the proposition. This amendment is offered for the purpose of bringing convenience to the people who may have litigation under any provision in this act which we are now considering. The language of this section is precisely the same as that enacted by Congress in 1910 in the employers' liability act, which reads:

> The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States, and no case arising under this act and brought in any State court of competent jurisdiction shall be removed to any court of the United States.

The language of this amendment is taken directly from the language of the amendment which was offered to the employers' liability act of 1910. Let me call the attention of the committee to this situation. Some of these Federal judicial districts are very large. Many people reside a long distance from the place where the courts are held. A gentleman from California the other day said that some of the people there were living 400 and 500 miles from the place where the courts were held. In such circumstances where there were violations of this act the suits could be brought in the State courts, tried and determined at home, and it would be a matter of convenience as well as economy to the litigants who might have to resort to the courts for redress of grievances under the act.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. GORDON. Where does the gentleman find authority in the Constitution of the United States giving this Congress the right to confer any jurisdiction, civil or criminal, on a State court?

Mr. CULLOP. Oh, that is too well settled to take up any time in the discussion of it here.

Mr. GORDON. Will the gentleman give me an authority for it?

Mr. CULLOP. Why, we have an act of Congress to which I have referred; that is the best of authority for it. Why not? This Congress has conferred jurisdiction of this character on the State courts. It is simply giving a cause of action under a statute, and Congress has a right to confer jurisdiction in the State courts.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. SINNOTT. For the benefit of the gentleman from Ohio who asked the question, I will state that that matter has been decided in the Two hundred and twenty-third United States.

Mr. GORDON. In a criminal case?

Mr. SINNOTT. No.

Mr. GORDON. Does the gentleman think we would have authority to confer jurisdiction in a criminal case?

Mr. SINNOTT. This is conferring jurisdiction in a civil case.

Mr. GORDON. And in a criminal case, also.

Mr. CULLOP. We are conferring the jurisdiction here in a civil case.

Mr. SINNOTT. I think it should be confined to a civil case.

Mr. CULLOP. The same is true under the national banking act. The benefit of this would be that people who have to resort to the courts for a redress of grievances under this statute would have the convenience of being able to do so in their own home courts, which would be an economy, and the matter could be tried and determined just as well as in any Federal court; and I hope the amendment will be adopted for that reason.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to speak in opposition to the amendment. This legislation is supplementary to the Sherman Act. Jurisdiction under the Sherman Act is confined to the Federal courts, and I think properly so. There are a number of reasons why this proposed amendment of the gentleman from Indiana should not be incorporated into this bill. In the first place, it would be a burden to the State courts to have jurisdiction over these cases conferred upon them. This Federal Government has exclusive jurisdiction of this class and character of legislation and should retain full jurisdiction in the trial of such cases. Dissolution suits are under the control of the Attorney General of the United States. We have district courts throughout the country, with district attorneys employed by the United States to look after the Federal business, and I think that the proposition of the gentleman from Indiana to confer jurisdiction over these cases upon the State courts would be an injustice to the people of the States and to the courts of the States; and I oppose it for that reason. In the second place, this is a very broad and far-reaching statute in its provisions.

It deals with the business interests of people of all classes—railroads, manufacturers, industrial concerns, combinations, and conspiracies in restraint of trade—and we think it would likewise be an injustice to parties litigant to take them away from the jurisdiction of the Federal courts and confer jurisdiction upon State courts to try this character of cases. It broadens the scope of the law. It is one of those things which if attached to this legislation will make it all the more difficult to pass the legislation, and we do an injustice to the cause and principle which we seek to establish by this legislation if we broaden the measure with far-reaching and momentous questions such as the gentleman from Indiana offers as an amendment. Any friend of this legislation, as I am sure the gentleman from Indiana is, ought not to aid those who are fighting this legislation—the trusts and the combines of this country—by loading it down with questionable amendments that will tend to defeat it and destroy it in the end. For these reasons the committee opposes the amendment and hopes that it will be rejected.

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. Debate on this question is exhausted.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the doctrine just advocated by the distinguished gentleman from Arkansas [Mr. FLOYD] is a very dangerous doctrine, indeed. In its last analysis it means to many a denial of justice, and a failure to enforce the law in all its phases. Who are the parties that have been always running to the Federal courts? Has it been the individual or has it been the trusts and the big corporations? The answer is easy and is within the knowledge of all. It is the experience, I am confident, of every man on this floor that the men who seek cover under the ample folds of the Federal courts of this country are the owners of the trusts and big corporations of the country, and by so doing they are constantly forcing the poor man out of the benefits of such legislation as this by seeking that forum for the adjudication of their cases. Aye, gentlemen, if it is desired to protect the trusts, to protect the big corporations of this country, under this act, then confine its jurisdiction to the Federal courts and it will well nigh destroy the advantages of the legislation we are attempting to adopt here to-day for the relief of the people. Who is it that has been running to the Federal courts for the last quarter of a century? Who is it that has taken refuge in the Federal courts of this country? Has it been the poor individual or has it been the trusts and the big corporations which seek to be relieved from penalties and from punishment provided for in the law of the land? Go read the petitions for removals from the State to the Federal courts of this country, and it will be found that in every instance they are filed by the corporations or rich and powerful individuals for the purpose of escaping the penalties of the law. It has been their refuge for escape from deserved punishment. Cases are removed frequently for the purpose of getting away

from the scene where the injury has been inflicted and where the poor man will be unable to follow it up, take his witnesses to court, and conduct his litigation as it ought to be conducted. Why impose hardships on litigants? And yet the gentleman from Arkansas says that a measure that seeks to bring these cases at home and let the poor man try his case in the court where he resides, where the injury was inflicted, and where the witnesses reside, that such a measure is in the interest of the trusts and of the big corporations of this country. The gentleman will not stand by that declaration for a moment, because it is not only ridiculous, but it is contradicted by the facts, as the experience of every individual will verify. The reverse is true, and every man knows or ought to know it.

Mr. FLOYD of Arkansas. Will the gentleman yield at that point?

Mr. CULLOP. Certainly.

Mr. FLOYD of Arkansas. I did not make the statement attributed to me by the gentleman from Indiana.

Mr. CULLOP. Then I misunderstood the gentleman from Arkansas, and I am glad to know he did not desire to be so understood.

Mr. FLOYD of Arkansas. The statement I made was this: That if we load this measure down with amendments of far-reaching import like this, it would tend to defeat the legislation, and that would result in the interests of the trusts.

Mr. CULLOP. I beg to disagree with the gentleman. How does this load it down? Are not the judges of the State courts as capable, as learned, as honest, and conscientious as the judges of the Federal courts to try and determine the questions involved in this legislation? Upon what meat does the Federal judge feed that makes him so much greater than a judge of a State court? [Applause.] Who are these judges of the Federal courts? They are the men who have been taken off the benches of the State courts from the bars over the country. What has made them more able to construe a statute than a State judge? Where and how is this measure loaded down with any such amendments? What complication does this amendment involve? I defy the gentleman or any other gentleman to point out how any harm may come from the adoption of this amendment. It simply gives the right of trial in the locality where the cause of action arises and at home where the witnesses are. It gives opportunity for a full and fair hearing of a cause. It assures economy in the administration of justice. It assures a speedy trial in a competent tribunal. Does anybody have objection to this? If so, let him state it. Can anyone who desires fair play in our courts take exceptions to it? If so, I would be pleased to have him do it. We are now legislating on a subject of much interest to the American people. Relief has been promised them from the extortions of remorseless organizations, in which greed and avarice have been the dominating features in their operations. They have stifled competition, bankrupted their weak and unfortunate competitors, and out of the ruins of the unfortunate created monopoly, through which the people have been unmercifully plundered. Let us furnish the best and easiest method for a redress of grievances, in order that the people may take advantage of its provisions and secure relief. With that end in view I offered this amendment, and no one will here deny but what it will afford great benefit in the administration of this law.

The people expect us to afford them a complete remedy and a convenient method for its administration. Their eyes are upon us; they are patiently scanning every move made, because they know how they have suffered for the want of appropriate and adequate legislation on this subject, how often it has been promised, and how often they have been deceived in this matter. They must not be deceived now, but we must afford them a full and complete means of relief and a convenient and economic method for the enforcement of the same. This amendment means much for the success of this legislation, and the poor man, the man who needs this legislation most, will hail its adoption with satisfaction and delight. The committee in charge of this bill and this House should be interested in its success. If it will assist in destroying monopoly, in dissolving combinations operating as a restraint in trade, in restoring competition, it will be hailed with delight by millions of people all over our country and will redound to the glory of all who helped enact it. The amendment under consideration will assist in carrying out the good purposes it proposes and will make it available to many who otherwise could never invoke its provisions or take advantage of the protection it affords. I hope it will be adopted, so that its provisions may become available to the poor as well as the rich, to the weak as well as the strong. [Applause.]

Every line and every word will be closely scrutinized by thousands of patriotic people who have suffered for the want of such legislation and who hope to secure relief through its provisions. They are watching every move made here, every vote cast, in order to know how each man stands, whether friendly to them or friendly to the special interests which have thrived at their expense. They have been promised means for relief; they demand every obligation contained in that promise be scrupulously kept and the fullest measure of relief afforded within the power of this lawmaking body. We will comply fully with the obligation if we adopt this amendment. [Applause.]

The CHAIRMAN (Mr. MURRAY of Oklahoma). The time of the gentleman has expired. The question recurs on the amendment offered by the gentleman from Indiana as a new paragraph to the section.

The question was taken, and the Chair announced he was in doubt.

The committee divided; and there were—ayes 35, noes 30.

Mr. WEBB. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. CULLOP and Mr. WEBB) reported that there were—ayes 32, noes 34.

So the amendment was rejected.

The Clerk read as follows:

SEC. 20. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: *Provided*, however, That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused person is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

In all cases within the purview of this act such trial may be by the court, or, upon demand of the accused, by a jury: in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word, unless the gentleman from North Carolina has an amendment to offer.

Mr. WEBB. No; I have no amendment to offer.

Mr. BARTLETT. Mr. Chairman, this provision in this bill and subsequent provisions of it, especially that provision that requires that a party charged with indirect contempt of court must be accused, tried, or convicted of contempt by a jury as in criminal cases, is a step in the direction of proper trials in court in such cases. We boast, Mr. Chairman, those of us who live under the English system of laws, that the system of jury trials as handed down to us from English jurisprudence is the greatest palladium of the liberties of the English-speaking people, yet in a case which involves imprisonment and fine, forfeitures and punishment by both imprisonment and fine, we have been struggling in Congress for 20 years or more in order to have enacted into a statute of the United States the right of the American citizen to be tried by a jury of his peers in this class of cases when his liberty and property are at stake. We are about to realize a successful completion of the efforts of the men who have struggled long and patiently to obtain that end. The first bill I had the honor to introduce as a Member of Congress, when I became a Member of it in 1895, was a bill to permit and require, when demanded by a man who might be charged with indirect contempt of the court, that the trial should be by jury.

I have at each succeeding Congress introduced a bill to that effect. It was never considered favorably by a Republican committee or House, but a bill of like character was favorably reported at the last Congress and passed by this House.

The Senate of the United States in 1896, at the instance of Senator Hill, of New York, did pass a bill, introduced by him, providing for jury trials in indirect contempt cases. It came to this House, and went to the Committee on the Judiciary of the House, where it slept the death that knew no waking. The Democratic platform in 1896 embodied a demand for the passage of that bill, and from 1896 down to 1912, again and again, it has been reiterated in every Democratic national platform that trials of indirect contempt cases in the courts shall be by jury when that demand is made by the accused.

Mr. Chairman, this bill gives to the American citizen, charged with the violation of an order or an injunction of the court in these cases that we know to be indirect contempts, the right that he ought to have had from the foundation of the Government—the right to have his case, when he is charged with a criminal offense or a quasi-criminal offense, tried by a jury of his peers. This bill further contains a provision giving a right which has not heretofore been enjoyed by those who undergo these trials, namely, the right of appeal. We know the history of these trials, and——

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. I ask for three minutes more.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] has no more time.

Mr. BARTLETT. I ask the Chairman.

The CHAIRMAN. The gentleman asks unanimous consent?

Mr. BARTLETT. I asked unanimous consent, and I addressed myself to the Chair.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent that the gentleman from Georgia [Mr. BARTLETT] proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman will proceed.

Mr. MANN. Make it 10 minutes.

Mr. BARTLETT. I want only 5 minutes. We who have investigated the matter and have kept pace with it know the history of these cases. It is shocking to my sense of justice; it has always been a matter that offended my sense of what the right of American citizens was, that when charged with crime the judge should be grand jury, prosecutor, and jury to find a verdict and then as judge to pronounce a sentence. Therefore, during all these years, at least since I have been a Member of this House—which on the 4th day of March next will be 20 years—the struggle has gone on, and during those years I have devoted whatever energy and ability I possess to the accomplishment of what this bill accomplishes; that is, to have the right of trial by jury enjoyed by the accused in these contempt cases.

I have been in a United States court, Mr. Chairman, and seen cases of constructive or indirect contempt tried by the judge when those cases were instigated, inaugurated, prosecuted, heard, and tried and judgment rendered and sentence pronounced by the judge who instigated and had the prosecutions started, and when the men thus accused, thus tried, thus convicted, and thus punished, undertook to find relief from what those who had investigated the case or heard it thought and believed to be an outrage upon the rights of a citizen, an illegal and unjust punishment, by appeal to a higher court, they would find that it was embodied as a principle in our jurisprudence that no appeal lay from any such judgment in any such case.

And so, when the American people had wakened up to the idea that there were cases where men could be criminally punished, could be criminally accused, could be tried and convicted as in a criminal case, could be imprisoned and placed in jail and within prison walls, and have their money and property taken from them and be incarcerated in prison; that there was not the right accorded to them which every American citizen and every man who lives under the Anglo-Saxon system of jurisprudence ought to have; when they realized this fact the campaign proceeded and has gone on and on, and the doctrine which was asserted, that the courts have in themselves the inherent power to punish for contempt, and that no one should decide that question except the judge, has been dissipated. These sections in this bill, and those that permit—or require, rather—criminal information and the facts to be set out in the trial of a man accused before a jury, give him a right that he never had before to appeal that case to a higher court and have it considered on its merits.

These are the things which the Democratic Party's platform has demanded, and these are the things which the Democratic Congress intends by this bill to place upon the statute books. It breaks the chains that bound the people to the unjust and tyrannous decisions of unjust judges. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. QUIN. Mr. Chairman, I move to strike out the last word.

Mr. BARTLETT. Mr. Chairman, I withdraw the pro forma amendment.

Mr. QUIN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] moves to strike out the last two words.

Mr. QUIN. Mr. Chairman, at least to my conception of law, justice, and right, this section, which gives a trial by jury in contempt cases, is writing into the statute laws of this land enlightened thought. It shows the spirit of the age—that we are moving away from the old archaic idea that all wisdom and all justice is within the cranium and heart of one man, that of a judge appointed for a term lasting until he is dead.

Gentlemen, that has been one of the prerogatives that the courts of this country have possessed since the Constitution was first adopted. It has been more abused than any other right that the courts have had, and I am proud to have the opportunity to vote for a bill that takes that right away from the courts. Not that the judge himself is not honest, but some judges get so far removed from the people that they can not feel for the man who is down in life. [Applause.]

I know from personal experience something of contempt cases, where a Federal court issued a sweeping injunction in a strike that covered every man in the community that was indirectly or remotely involved; and, regardless of what he did, he was amenable to that court under contempt proceedings, and no jury could he have.

I believe that this bill will give the people of the country more confidence in the courts. It will give them more respect for the courts, and it will give the courts to understand that the people have rights, and that those rights can be passed upon by their peers.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Massachusetts?

Mr. QUIN. I do.

Mr. GARDNER. Is it not the gentleman's opinion that one of the great causes of attacks upon the courts of this country is the fact that they have had imposed on them, or have assumed, the duty of trying persons without a jury for the violation of restraining orders issued in labor cases?

Mr. QUIN. I think the gentleman from Massachusetts is correct. However, I believe myself that some of the courts of the country have brought themselves into the contempt of the people because of that right being frequently abused by autocratic judges.

Mr. GARDNER. The gentleman ought not to understand——

Mr. QUIN. The American people ought to love the courts, but instead of doing that the usurped and assumed power by the courts has made them, in a measure, the object of contempt.

Mr. GARDNER. I hope the gentleman will not imbibe from my remarks the idea that I am blaming the courts. I am blaming the law or the practice which imposes on the courts the duty of trying without a jury those cases of contempt of court in the matter of labor injunctions. I do not blame the courts, however, for doing what they believed to be their duty. Fortunately it will no longer be their duty after this law shall have been passed.

Mr. QUIN. The gentleman is correct. But the long following of that rule leads the judge to entertain the idea that he is all-powerful, and sometimes he gets to be a tyrant. That is what the people of America complain of.

If the judge knew he would be on the bench only for a few years, and that his reappointment depended on his method of trying cases, it is very likely that he would always try to be in harmony with the people and the law. A judge can make mistakes as well as any other person.

And the judicial tyranny of this country is to-day written through the decisions. If you will read those decisions, you can see tyranny there that is equaled nowhere on earth except by the Czar of Russia or, perhaps, the ruling of some military court; and there is not a man in the United States who could ever have any respect for the ruling of a court-martial. I say that the courts of this country have had a power that they ought not to have had under the constitution of a republic. Some of them have used it properly, but others have used it improperly. It has been a method of oppression, a tool with which to oppress the people. [Applause.]

It has been too easy for the great and powerful corporations to be either directly or indirectly instrumental in naming the

Federal judges of this country. In many instances the judge has spent his life as the retained attorney of the special interests, and it matters not how honest he may be, he sees the law from a different viewpoint as distinguished from the ordinary citizen. The great corporate interests believe in the Federal courts, and the sweeping injunction is the weapon which they can always use in an unfair and unjust manner.

Every intelligent citizen knows that many judges have abused the right to adjudge a citizen to be in contempt of the court, and the same judge try and sentence him. In late years the freedom of the press has been abridged by some autocratic judges.

The United States is a Government of the people, and the original framers of our Constitution never intended that the courts should usurp any authority or infringe upon the liberties of the people. The privilege of a Federal judge to deny the right of trial by juries in contempt cases has grown to be one of the greatest abuses in our scheme of government. I do not believe any judge ought to hold his position for life, as there is too much danger of him growing to be an autocrat and intolerant of the views and the rights of others. This section in the antitrust bill which allows the persons charged with contempt to be tried by a jury is one good step in the right direction. Yet there is nothing in the bill to prevent the judge from charging the jury orally and from his seat of power tell the jury that he thinks the individual accused is guilty. He may not do it in so many words, but he will give the jury to understand that he thinks the fellow ought to be convicted. Gentlemen, that is the next evil Congress will be called on to correct. These Federal judges ought not to hold office over a certain term of years. The Constitution should be amended making the term of office of Federal judges for a period of four years, and if any judge holds longer it would be necessary for him to be reselected. I regard life tenure in any functionary position of the Government as indefensible. What good reason can there be assigned for making any man a judge on the bench for life? I am happy to vote to force the courts to grant the jury in contempt cases, and I will be still happier in voting to bar life appointments of judges. The people of this country can never rule in reality as long as the judges hold for life. The laws we are passing this week constitute a real bill of rights, a veritable Magna Charta in which the American citizenship can see hope for the future.

Mr. BRYAN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 39, line 4, after the word "months," add the following:

"In all trials for contempt in such cases the judge whose order has been disobeyed shall not be eligible to sit as presiding judge where any defendant files a motion for change of judge on the ground that he believes such judge to be prejudiced or that a fair and impartial trial can not be had before such judge."

Mr. BRYAN. Mr. Chairman and gentlemen, I think that amendment ought to receive the careful consideration of this House and be adopted. The gentleman from Massachusetts [Mr. GARDNER] just suggested that the burden imposed upon the courts in these matters is one of the reasons for the lack of confidence on the part of the people in the courts in a great many cases.

Mr. MURRAY of Massachusetts. Will the gentleman suggest the origin of this duty of the court; how it came about that the courts have such authority?

Mr. BRYAN. The courts have held that in contempt cases they have inherent rights to try and punish. State judges have held that their rights are superior to the legislatures of the several States, and that their right to fine for contempt does not depend upon legislative enactment; and especially was that illustrated in the Idaho case, where an editor, whose name, I think, was Broxon, published a criticism by Theodore Roosevelt on the action of the court out there in shutting out Progressive electors, and the judges of that court said they were proceeding by inherent right and not under authority conferred by the legislature. But that is aside from the question.

Mr. BARTLETT. How does the gentleman's amendment remedy that defect?

Mr. BRYAN. The gentleman from Massachusetts [Mr. MURRAY] led me off on that line. He probably did not intend to; but my amendment proposes that where a defendant is brought before a judge for violating an order of that judge, the judge who has issued the order is not to try the case if the defendant requests a change of judge. There is no reason why a judge who has been angered by the violation of one of his orders should sit and try the case. That has been spoken of here by the gentleman from Georgia [Mr. BARTLETT]. That is sought to be remedied in this act by calling a jury of 12 men; but the judge who rules on the admission of testimony and who charges the jury and interprets the law can many times force a conviction from the jury, and it is not a fair and impartial tribunal where a man is haled before the court to be tried on a summons issued by direction of the court for violating an order that the judge of that court himself has issued. If you want to make this fair, if you want to make it so that a defendant before the court will have a chance of a fair trial, give him an opportunity to be freed from standing before the judge who has ordered him arrested.

The legislatures of a number of the States have provided that in any case where a man comes before the court and files his application for a change of judge and enters an affidavit stating that he believes the judge sitting on the bench is prejudiced against him and that he can not have a fair trial before that judge, then the judge sitting in that court must call in another judge to try that case. There are many Federal judges in this country, and these judges have their prejudices. I do not believe that a defendant ought to be compelled to go to trial before a judge under those conditions. It is true that you can not make this absolute. You can not get perfection. It may be that the second judge will feel the same way, and this amendment only provides for one change, one substitution; but there is at least a better chance at obtaining an impartial judge. It is very easy for the judge to call some one else to try the case. The same statute is on the books of the State of Washington. The same statute is on the books of the State of Ohio. There is nothing new or wrong or abhorrent about it. There is no reason why it ought not to be adopted, especially in a contempt case.

THE CASE AGAINST GOMPERS, MORRISON, AND MITCHELL.

The decision of the Supreme Court of the District of Columbia in American Federation of Labor *v.* Buck Stove & Range Co. (33 App. Cases, D. C., 83) is one that attracted tremendous attention. As an outcome of a violation of the "inherent right" of the court to punish for contempt, the head of the American Federation of Labor till a few days ago stood condemned to serve a term in a Federal prison. I shall not attempt to discuss this case except to cite it as one of unusual significance. Mr. J. W. Van Cleave was the principal owner of the Buck Stove & Range Co., of St. Louis. He was also the president of the National Manufacturers' Association, with its manipulations as a corruptionist and insidious lobbyist, with its Mulhall and its millions. The Buck Stove & Range Co. employed union and nonunion men. Thirty-five union men in one branch of the company's service got into a dispute with their employer over matters pertaining to hours of work. The difficulty was not satisfactorily adjusted and a strike ensued. The American Federation of Labor indorsed the action of the men, ordered a boycott of the products of the company, and placed its name upon the federation's "We don't patronize" list. The company applied to the Supreme Court of the District of Columbia for an injunction to restrain such boycott. On December 18, 1907, the court granted an injunction, pendente lite, restraining the defendants as prayed for in the bill.

The injunction granted pendente lite in this case was in violation of the Constitution, and the appellate court so decided. It was an absurd autocratic order that trampled upon individual freedom, the freedom of the press, and was entirely unjustified. This is established by the majority opinion of the appellate court, by which the absurd injunction was materially modified, but, in my judgment, the dissenting opinion of Chief Justice Shepherd should have been the conclusion of the majority. The injunction both as originally granted and as modified by the majority opinion of the court prohibited the publication of the "We don't patronize" list in the American Federationist, the journal of the labor organizations.

The people of this country are not going to permanently stand for such power as permits a life-tenure judge to order an editor in advance of a trial on an ex parte hearing not to publish this or to publish that. Surely if the judge can say what the editor can not publish, by the same token he can tell him what he must publish. The term "freedom of the press" becomes a silly and meaningless phrase under such conditions. The learned judge in his dissenting opinion cited Chancellor Kent, as follows:

It has become a constitutional principle in this country that every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right, and that no law can rightfully be passed to restrain or abridge the freedom of speech or the press.

Chief Justice Shepherd continues:

The true ground for the denial of jurisdiction to restrain the publication of a libel destructive of property is that the exercise of such jurisdiction would amount to an abridgement of the freedom of the press by establishing a censorship over the press so enjoined. The

soundness of this view is demonstrated in an able opinion by Fenner, J., speaking for the Supreme Court of Louisiana, in such a case. (State, ex rel. Liversey, *v.* Civil District Judge, 34 La. Ann., 741, 745.) He says: "There would be no safe course except to take the opinion of the judge beforehand or to abstain entirely from alluding to the plaintiff. What more complete censorship could be established? Under the operation of such a law, with a subservient or corrupt judiciary, the press might be completely muzzled and its just influence upon public opinion entirely paralyzed. Such powers do not exist in courts, and they have been constantly disclaimed by the highest tribunals of England and America. It has passed into a settled rule of jurisprudence that 'courts of equity will not lend their aid to enjoin the publication of libels or works of a libelous nature, even though the libelous publication is calculated to injure the credit, business, or character of the person against whom it is directed.'"

In view, then, of the provision of the first amendment, I can come to no other conclusion than that the only remedy for libelous or otherwise malicious, wrongful, and injurious publications is by civil action for damages and criminal prosecution. There is no power to restrain the publication.

For the reasons given I can not agree to the terms of the decree as modified. In my opinion it should be modified so as to restrain the acts, only, by which other persons have been or may be coerced into ceasing from business relations with the Buck's Stove & Range Co., but so as not to restrain the publication of the name of that company in the "we don't patronize" columns of the American Federationist, no matter what the object of such publication may be suspected or believed to be.

Chief Justice Shepherd believes the attempt to enjoin Gompers, Morrison, and Mitchell from publishing this list in the American Federationist and from talking about the Van Cleave outfit as unfair was an infringement of the Constitution of the United States, and that Gompers, Morrison, and Mitchell had the right to print and talk about the matter and that no court could take that right from them. Is it surprising that Gompers, Morrison, and Mitchell believed the same thing?

THE COURT'S ORDER MUST BE OBEYED, THOUGH UNCONSTITUTIONAL.

The labor leaders at once appealed from the order to the higher court. They put up their bond on appeal, just like the Mulhall employers had put up their bond on obtaining the order. Notwithstanding the appeal, the order remained of full force till reversed. The fact that the appellate court would modify the order and deliver an opinion that it was an outrage on the Constitution could not abate in the slightest its "inherent"—from God descended—power. "What if it does violate the Constitution, this court's order must be obeyed." This is the uniform position taken by all courts as to their injunctions. It does not lie in the mouth of any puny man or labor leader to question a court's order—if it violates the Constitution, reverse it if you can by the regular, tedious, and expensive course of the law's delays, and by the order of a brother judge, but in the meantime, obey is the word.

It is worthy of note that obedience does not need be granted to a statute of Congress which violates the Constitution. Not for a moment. If Congress violates the Constitution in the enactment of a statute, no attention need be paid to it. Such a statute is void ab initio. Anyone is at liberty to violate it with impunity; the quicker it is violated and wiped off the statute books the better for all concerned. If Congress were to enact into law the principles of the iniquitous injunction issued for Mulhall's overlords by the court, prohibiting certain publications and ordering people not to talk about the Mulhall crowd being unfair, no newspaper publisher would for a moment attempt to obey the statute. They would fall back on the Constitution and their rights, as they have done hundreds of times, and then the court would say, as it has said hundreds of times: "You did right; you did not need to obey Congress; the law was unconstitutional." And by its later doctrine the court has found that an "unreasonable" statute is absolutely void and need not be obeyed.

Not only are unconstitutional legislative orders void and entirely unworthy of notice or obedience, although solemnly passed by the House and the Senate and duly signed by the President, but Executive orders, presidential proclamations, treaties with foreign countries, and all forms of Executive demands are void and not worth the paper on which they are written if not in accord with the Constitution. All such may be held in contempt or may be totally ignored.

AN EX PARTE INJUNCTION IS PRIVILEGED ABOVE A STATUTE.

Not so when a judge at the behest of the Mulhall crowd orders men at the head of a great movement for the bettering of labor conditions to suspend exercising their constitutional rights. What if the order does violate the Constitution, it is the voice of the court. It is not the puny legislative or executive department that now speaks; it is the department of the judiciary, which rules like the Kings of England once ruled—by "inherent" right.

Gompers, Morrison, and Mitchell knew this, and they did their very best to obey the order. They took the Mulhall concern off the unfair list and tried to edit their paper to the liking of the court. While the order was on appeal, however, these three men were, on motion of an attorney who was a fellow employee of Mulhall, brought before court and ordered to pay heavy fines and to go to Federal prison, there to do hard labor for 12, 9, and 6 months, respectively, for "contempt" alleged to have been committed in the violation of the injunction. No trial by jury; of course not! Jury trials are designed for the other branches of the Government—the legislative and executive. This is the judiciary enforcing its decree. It makes no difference that the order was made ex parte, before trial, and is yet to be set aside by the United States Supreme Court. In this case the court is acting under powers superior to statute and the Constitution. It is acting under "inherent" rights derived from God Himself under procedure set in motion by Mulhall's associate, as an humble agent in the hands of God to work out His immutable decrees!

FACTS INVOLVING CONTEMPT VERY INDEFINITE.

Gompers had written and published editorials, had appealed for funds, and had advised the members of the federation as to their duty and their rights, and had made references to this suit and to labor's constitutional rights in campaign speeches. Morrison was in contempt because he had allowed old copies of the American Federationist to be circulated that had this "We don't patronize" list in them. They had obeyed the order and allowed the judge to edit their magazine to the extent of eliminating the "We don't patronize" list from all editions after the order was signed. Malefactor Morrison had also sent out printed copies of the printed official proceedings of a prior convention of the American Federation of Labor which contained a record of officers and committee reports of the convention relative to this very controversy. He had also sent out copies of the Federationist. Mitchell had violated the order of the judge against talking or printing by presiding at a convention of the United Mine Workers of America where a resolution was introduced calling upon the members of the union not to patronize this outfit of lobbyists and stove makers.

There is nothing in the record of this case to show that this National Manufacturers' Association was, through one of its representatives, just about this time attempting to bribe Gompers to throw down his work for organized labor and pass into a life of ease, in which case, of course, the case would have been dismissed and the contempt of court duly purged, so far as the court and the complaining lobbyists are concerned.

Of course, it is now well known that this contempt case has been settled by the order of the Supreme Court dismissing it.

I have in mind other contempt cases not involving labor difficulties where the same rule should prevail. The Idaho case which I have already referred to, where C. O. Broxon, editor of the Boise Capital News, offended the feelings of some judges that ought to have been impeached by criticizing their decision by which Roosevelt electors were denied the right to have their names published on the official ballot. These judges ordered Broxon and R. S. Sheridan and A. R. Curzen imprisoned; and they actually served their term of 10 days because of the publication of the Roosevelt criticism. It was an outrage against the spirit of our institutions that these judges could do this without a verdict of guilty from a jury to precede the sentence. Yet the judges said they were acting by inherent authority, and that the legislature had no right either to limit or regulate their authority in contempt matters.

Then, take the case of Col. Nelson, of the Kansas City Star. I do not remember all the details of that attempted judicial outrage, but it stands out to-day as an illustration of the absolute necessity of ordering the courts of this country to give up their self-assumed rights to imprison editors and others where they feel aggrieved. Except for the resourcefulness of Col. Nelson and the order of an appellate court he would have gone to jail.

In my own experience I was the editor and proprietor of a weekly paper published at Bremerton, Wash. I still own the paper, though it is now published in the adjoining town of Charleston, Wash. I was in a fight with a corporation-owned judge in that county, and I used to go to court to try my cases with an appeal bond in my pocket already signed in blank, so that I would be ready to perfect an appeal quick and save temporary incarceration for some unavoidable display of the contempt I felt for that judge.

I had urgent need of that bond, too, one day, and later I needed more than a contempt-of-court bond. But I will say that that particular judge is not in the State of Washington now; he is not away on a visit, either.

Mr. WEBB. Mr. Chairman, the committee will have to oppose this amendment, not because it is not meritorious, but because it is already provided for in the statutes of the United States.

Mr. BRYAN. Oh!

Mr. WEBB. Oh, yes; it is. The gentleman says "Oh," but I will read it to him. Section 23 of the Judicial Code says:

Whenever a party to any action or proceeding, civil or criminal, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him or in favor of any opposite party to the suit, such judge shall proceed no further therein, but another judge shall be designated in the manner prescribed in the section last preceding, or chosen in the manner prescribed in section 23, to hear such matter. Every such affidavit shall state the facts and the reasons for the belief that such bias or prejudice exists.

That is all my friend asks.

Mr. BRYAN. Does it not leave it discretionary with the court?

Mr. WEBB. Oh, no; not at all.

Mr. BARTLETT. And the circuit court of appeals for the fifth circuit have decided that it is not discretionary; that the judge has to get off the case.

Mr. BRYAN. I thought it left it discretionary with the judge.

Mr. WEBB. I think it is already covered by the statute. I hope the gentleman will withdraw it.

Mr. BRYAN. Then I will withdraw it.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to withdraw his amendment? Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words. When I interrupted the gentleman from Mississippi [Mr. QUIN] I was trying, very imperfectly, owing to my lack of legal training, to explain a thought which I have had for a long time, to wit, that the attack on the courts of the United States, so strikingly prominent in recent years, arose substantially from two causes: First, our Constitutions, State and National, impose on our courts the duty of passing on the constitutionality of legislative acts. That is an unpopular function for our courts to perform, but I believe it to be a function which our courts ought to perform. Second, upon our judges has been imposed, either by judicial decision in times past or by statute, the duty of trying without a jury persons charged with the violation of injunctions issued in connection with labor disputes.

Mr. MURRAY of Massachusetts. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. MURRAY of Massachusetts. May I ask my colleague whether there is any alternative to this position? Is it not a fact that there is not any statute imposing these duties except such statutes as may be declaratory of the common law? The difficulty in this regard is because of the crystallized abuse in which, in the first instance, the judges usurped this matter of issuing injunctions in labor cases.

Mr. GARDNER. The first instance, I have been told, occurred in Massachusetts.

Mr. MURRAY of Massachusetts. The first instance arose in England.

Mr. GARDNER. The fact is, I think, that some one or other made up his mind that a jury would not convict strikers. Yet a trial by jury under the terms of the Constitution is guaranteed to every man accused of crime. Some court somewhere—and I was under the impression that it was in my own State—devised the ingenious plan of converting a crime into a contempt of court by the simple process of ordering persons to refrain from acts which the statute had already declared to be crimes. Hence a practice arose under which a judge would step in and say, "Not only does the State declare in the law that this act which you are perhaps going to commit is a crime, but, what is more to the point, I, the judge, also say that it is a crime." Now, what was the object of that performance? Why, sometimes, doubtless, it was this: If the person enjoined went ahead and committed the forbidden act, the question of the court's dignity became involved and the accused got punished, not for a crime but for contempt of court. I have very little patience with any device to deprive a striker or anyone else of his constitutional right to a jury trial by the issuance of an injunction designed to convert a crime into a contempt of court. For this and other reasons I give my approval to the anti-injunction and trial-by-jury features of this bill.

Great Britain has been going through pretty much the same sort of evolution which we are going through. Yet during this period of change and attack on old institutions the courts of Great Britain have not been assailed. The reason, in my opinion, is that the British courts have not been faced with the necessity of declaring laws to be unconstitutional, nor has the writ of injunction in Great Britain been used in such a way as to negative the right of jury trial which ought to be assured to every man accused of wrongdoing.

Mr. BRYAN. Mr. Chairman, I rise to oppose the pro forma amendment. Mr. Chairman, the section of the statute that the gentleman from North Carolina read is a new section put into the statutes since I had the matter under consideration in the State of Washington, when I introduced the same measure in the senate of that State. A number of lawyers and the attorney general declared that it was the most outrageous and ridiculous proposition they ever heard of. It was the hardest effort of my legislative life to keep the governor from vetoing the statute at the request and advice of the attorney general. I am glad to see that the same principle has been put into the Federal statutes. It is right, and the lawyers and litigants, as well as the judges, of the State of Washington know now that it is right, and it would be impossible to repeal it.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. I do not propose to discuss the matter under consideration in the House, largely for physical reasons. I notice with great regret that it seems to be a very popular thing in this body to denounce the courts. During this debate I think I have heard no one on this floor say a word sustaining the integrity of the courts, but I have heard considerable denunciation.

Courts do not always decide cases the way I would like to have them decide them, or at least they did not when I was an active practitioner at the bar. I do not always agree with the decisions of the courts in their construction of legislative acts, nor do I agree with gentlemen on this floor when they say that the courts have lost the confidence of the people. I think the courts have the confidence of the people to a far greater degree than has this House. As far as I am concerned, I have faith in the integrity of the courts as courts, in the integrity of the judges who fill those positions in the courts, and I believe that when the time comes, if it ever does come, which God forbid, that the people really believe, as certain gentlemen have stated on the floor of this House to-day that they do believe that the courts have lost the confidence of the people of this country, that what we will receive is first anarchy and then absolutism. I do not think that time will ever come. I think the courts and the judges of the courts can probably afford to smile good-naturedly at the wild and foolish denunciations which are leveled at them, go ahead, following their duty as best they can, and that in the end they will find that the people sustain them and sustain the doctrine that the last resort in this country in a case of controversy is to judicial determination. [Applause.]

The Clerk read as follows:

SEC. 21. That the evidence taken upon the trial of any person so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as now provided by law in criminal cases, and may be affirmed, reversed, or modified, as justice may require. Upon the granting of such writ of error, execution of judgment shall be stayed, and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court or by any justice or any judge of any district court of the United States or any court of the District of Columbia.

Mr. MURRAY of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "Columbia," in section 21, line 15, strike out the period and insert a colon and add the following: "*Provided*, That the procedure for writ of error or appeal as in this act provided shall not be construed by any court to supersede the writ of habeas corpus, but the right of such writ shall never be denied to liberate any citizen from false imprisonment in charges of contempt."

Mr. MURRAY of Oklahoma. Mr. Chairman, it may be a bit difficult to explain the purpose of this amendment, but nevertheless I feel it ought to be suggested to the House. Section 20 provides a remedy for the trial of contempt cases. Section 21 provides the method of appeal. The contempt has been stated to be inherent in every court of record under common law. It is not a crime; it is inherent because of the necessity of some power for the self-preservation of the court. It will be a very sad day when the court will not exercise or have that power. However, we have found that there should be limitations upon that power, like there have been upon other powers.

In section 20, as I stated, we have provided for a jury trial. In section 21 we place the contempt along in the category of crimes, and we provide that it shall be under the law governing criminal cases.

Of course gentlemen may reply that the Constitution prohibits the suspension of the writ of habeas corpus, but it does not take away the power to supersede it with additional or other writs. Suppose in a certain jurisdiction it was not a violation to sell liquor and some one was imprisoned for selling it. In such a case there would be no remedy in criminal procedure, and the only relief would be the writ of habeas corpus. But suppose it was made a crime to sell liquor, then he could not be liberated under the writ, because the law making it a

crime would provide a procedure, so that the writ of habeas corpus in that case would be superseded. In this bill you have a writ of error, and it provides for a bond. The fellow who can not make the bond you have subjected to burdens, which could not be permitted under a writ of habeas corpus. If he can not make his bond, he will have to lie in jail, while the writ of habeas corpus, the highest writ of liberty, gives him a speedy relief, and I offer this amendment in view of those changes in the matter of procedure, and I think it essential to protect those men who happen to be fined for contempt, who would be unable to make bonds. I think it was an error to place contempt cases side by side with criminal trials.

Mr. WEBB. Mr. Chairman, this is a criminal matter. It has been generally known as criminal contempt we are dealing with. If that were not so, we would not be interposing a jury between the judge's sentence——

Mr. MURRAY of Oklahoma. Oh, no; that is a question only of limitation—the interposition of a jury, just as we have limited their powers in other branches, and it is not a question of crime.

Mr. WEBB. Wherever a judge can put a man in jail we regard that as a sort of criminal or quasi criminal action, and therefore we have no apologies to make for preserving the defendant's rights in this bill as rights should be preserved in all criminal cases.

Mr. WILSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. WILSON of Florida. There is nothing to keep the defendant in a contempt case from suing out a writ of habeas corpus.

Mr. WEBB. Nothing.

Mr. MURRAY of Oklahoma. There are some classes that could not under this procedure.

Mr. WEBB. If he is indicted for murder or robbery, he always, of course, has the right of suing out a writ of habeas corpus.

Mr. MURRAY of Oklahoma. The gentleman does not undertake to say that in an indictment for murder a man could be liberated under the writ of habeas corpus except where he alleges that he was denied bail when he had the right to bail?

Mr. WEBB. He ought not to be allowed to do that in any case unless he alleges something entitling him to the writ.

Mr. MURRAY of Oklahoma. He can do it if he alleges that he is denied bail when he has the right to bail, but he can not relieve himself from the charge of murder by a writ of habeas corpus.

Mr. WEBB. Of course not.

Mr. MURRAY of Oklahoma. You place contempt as a crime. It is merely a disrespect of the court under a power given to the court for self-preservation only.

Mr. WEBB. Mr. Chairman, contempts are divided into criminal and civil contempts, and we are dealing with the criminal contempt in this bill, and we preserve the right to appeal and the right to sue out a writ of habeas corpus if the defendant can show that the court has no jurisdiction or that he has been subjected to an unusual or cruel punishment or excessive bail, and so forth, has been required. In those circumstances he can then go to court and sue out a writ of habeas corpus as in all other criminal cases, and we have preserved the defendant's rights absolutely in this section, which seems to be satisfactory to our labor friends and all others, so far as I know, and I do not see the necessity of accepting this amendment, because the rights of every defendant under this bill are preserved. So far as the writ of habeas corpus is concerned, that is a constitutional right, and a defendant can always exercise it whenever he has a proper case.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

The Clerk read as follows:

SEC. 22. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced within section 19 of this act, may be punished in conformity to the usages at law and in equity now prevailing.

Mr. MURRAY of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 39, line 25, after the word "prevailing," strike out the period and insert a colon and add the following: "*Provided*, That in no case shall a penalty or punishment be imposed for contempt until a trial is had and an opportunity to be heard is given the accused."

Mr. MURRAY of Oklahoma. Mr. Chairman, the unfortunate part of this paragraph is the closing words:

And all other cases of contempt not specifically embraced within section 19 of this act may be punished in conformity to the usages at law and in equity now prevailing.

What are these "usages"? In some jurisdictions the "usage" has been for the court to say, "Mr. Marshal, place the man in jail." I remember in the old Indian Territory, under the Federal jurisdiction, as a practitioner at the bar, I was fined $25 by the court without a word. That was the usage there. I remember on a subsequent occasion I said to the court that he had no power to charge the jury, because his court was less than a court of record under the common law. He ordered me to jail for three days, and on a writ of habeas corpus I was liberated. That is the usage in many jurisdictions.

Gentlemen seem to enjoy the fact that the court sent me to jail. He ordered me to jail, but I did not go. I have been fined for contempt many times, but I never have suffered the penalty.

Mr. MANN. The gentleman did not go to jail, and instead they sent him to Congress. [Laughter.]

Mr. MURRAY of Oklahoma. Yes; later.

Mr. CARTER. But not for the same offense. [Laughter.]

Mr. MURRAY of Oklahoma. No.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Oklahoma. No; I desire to get back to my subject.

Mr. MOORE. This is right in point. If they did not send the gentleman to jail, did they not send him to Congress?

Mr. MURRAY of Oklahoma. Those fellows did not send me to jail, but the people who limited their powers sent me to Congress. So in this provision in this law the only difference between it and the Oklahoma constitution is that wherever the United States is a party there is no jury trial. I think it is correct to provide in the law that the judges shall fine as for contempt where the contempt is in the presence of the court or is liable to obstruct the due process of justice. I think that is necessary and that the court should have the right without a trial by jury. But no man should be imprisoned without a hearing. The first element of contempt is the intent, just as is the "intent" coupled with an act which makes a crime. And so we placed in the Oklahoma constitution, and I think it is proper here, a provision that no man should be punished for contempt without a trial, without a hearing. You have provided over here a trial by the court or a trial by the jury, if the one committing the offense demands a trial by jury; but in this case, where the contempt is committed in the presence of the court, there is no trial, or in the case of the disobedience of a writ, where a suit is brought on behalf of the United States, which may be outside of the court, the defendant is not guaranteed a trial by court or by jury. I am not urging in this kind of cases that there ought to be a trial by jury, but I believe, as Judge Hurt, of Texas, said when Jerome Kirby cursed Judge Flint in the open court and the judge sent him to jail without writing the charge on the docket, that no man should be sent to prison without putting upon the docket why he was sent to prison. To do so would jeopardize the liberty of the citizen.

So, in this class of cases, let the trial be before the court; let him have a trial and let him have an opportunity to be heard and let him state whether it was intended or show such extenuating circumstances that might tend to liberate him so that the record might be made.

Mr. MURRAY of Massachusetts. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. MURRAY of Massachusetts. Would you have that trial take place before the same judge?

Mr. MURRAY of Oklahoma. Certainly I would; and then we have a record——

Mr. MURRAY of Massachusetts. And would the gentleman have it take place at the immediate time when the contempt was alleged to have been committed, or subsequent, or when?

Mr. MURRAY of Oklahoma. I would let the judge fine him for contempt, but no punishment to be had until the accused was heard and had a trial.

Mr. MURRAY of Massachusetts. Heard before whom?

Mr. MURRAY of Oklahoma. Before that same judge.

Mr. MURRAY of Massachusetts. When?

Mr. MURRAY of Oklahoma. At any time when it suited the judge, but he can not "punish" him, understand.

Mr. MURRAY of Massachusetts. Is not that a proceeding where the very fact there is any proceeding at all shows the judge who is going to do the trying says in advance there has been a contempt?

Mr. MURRAY of Oklahoma. Yes; but it does this: It gives opportunity to have a record made, and when the record is made he, when he is punished or attempted to be punished, may appeal to the higher court and in that case invoke the right of habeas corpus to liberate him upon the record that shows he ought to be liberated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Oklahoma may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY of Massachusetts. There might be a record of certain facts, but is there any record of impartial testimony or an impartial finding on impartial testimony?

Mr. MURRAY of Oklahoma. There is a record on both sides in the hearing in the one case, just as the judge makes a finding *upon knowledge* in his own mind. Under the proceeding I offer, you have the statement of the accused, you have both sides of the question, and you have a higher court to pass upon it.

Mr. MURRAY of Massachusetts. But in the first instance, before the higher court passes upon it at all, there is a decision of the judge that there has been contempt committed in his presence, and the judge in whose presence the contempt was committed would send this man to jail or——

Mr. MURRAY of Oklahoma. It does not follow in that case in his presence alone, if he violates any writ——

Mr. MURRAY of Massachusetts. Well, let us take first the direct contempt, committed in the presence of a judge. The gentleman's plan, as I understand it, is he would have the judge against whom the contempt was directed immediately suspend a trial that might be going on for the purpose of hearing the testimony in reference to the alleged contempt.

Mr. MURRAY of Oklahoma. No, sir; it is true the judge in the exercise of discretion left him under the law will wait until he is through with the case until an opportune moment, and then try, but he would not punish until he had that trial.

Mr. MURRAY of Massachusetts. Well, I know, but my objection is not as to the time nor the manner in which the trial for contempt is had. I do not like the idea of the same judge who says the man has been in contempt, trying the man who he says had committed the contempt.

Mr. MURRAY of Oklahoma. I do not agree to the idea every time some man wants to swear a judge off the bench it ought to be permitted. I believe, in the first place, in giving the court enough power to preserve the dignity and strength of the court, and I believe in that doctrine thoroughly; but I do not believe in the case of contempt against the judge that some other judge ought to be summoned, but I do believe in giving the accused an opportunity to get in his evidence, and——

Mr. MURRAY of Massachusetts. Is not there as much opportunity of maintaining and preserving the dignity of the court by a proceeding before a jury or before a separate justice? Is it not a far better plan to preserve the dignity and security of the court to have the proceeding before a jury of impartial men than to have a finding by a man who says he was aggrieved when the man committed the contempt?

Mr. MURRAY of Oklahoma. Not in the case of a direct contempt.

Mr. MANN. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes, sir.

Mr. MANN. I could not hear what the gentleman said in reference to the provision in the Oklahoma constitution about not permitting people to be locked up until they had been tried; but I understood the gentleman to say that if a policeman arrested a drunk or disorderly or arrested a man committing a crime he could not lock him up until after he has been tried.

Mr. MURRAY of Oklahoma. Could not punish.

Mr. MANN. "Could not lock him up," the gentleman said a while ago.

Mr. MURRAY of Oklahoma. "Punish" is the word used in this amendment. He may hold him in custody.

Mr. MANN. Does not the gentleman make a distinction between locking up and punishing?

Mr. MURRAY of Oklahoma. Punishing and imprisoning.

Mr. MANN. Locking up is imprisonment; punishment may not be, but locking up is.

Mr. WEBB. Mr. Chairman, we can not agree to go so far as my friend from Oklahoma desires us to go in his amendment. This section provides that a judge may punish for contempt summarily those contempts committed in his presence.

Now, something has been said about the integrity of the courts, and I want to make this observation: If you take that power away from the courts, then you do destroy the very basis of the court's integrity and its power to protect itself. In other words, it ceases to be a court.

Another is where the contempt is committed not in the actual presence of the judge but so near thereto as to disturb the proceedings of the court; that is the business of the people.

The third is where a person violates an order in a suit brought by the United States. That provision was put in there, gentlemen, as most of you know, for the purpose of giving the court the power to enforce its orders in antitrust suits.

Mr. MURRAY of Oklahoma. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Oklahoma?

Mr. WEBB. Yes.

Mr. MURRAY of Oklahoma. Does the gentleman understand that this amendment changes that a particle?

Mr. WEBB. Yes. You provide for a trial, and it would be a farce for a judge sitting on a bench to hear a man, say, break out in some cursing language or abusive language, or some violent outburst of temper, and then say, "I will try you to see if you did that," when he was sitting there himself and heard it. A farce like that ought not to be required in a courthouse.

Mr. MURRAY of Oklahoma. How does that trial lessen the dignity of the court when the judge of the court himself finally tries and passes upon the evidence and the law and fines the defendant? How does it check his ability to conduct the court?

Mr. WEBB. There are some things that ought not to be allowed in a court, and when a man infringes on the privileges of the court the judge ought to have the right to stop him right there, without going through the formality of a trial.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

Mr. WEBB. Yes.

Mr. MANN. Suppose a man on trial went into a court room with a dozen rotten apples in his pocket, and he fired one at the judge, and the gentleman from Oklahoma, acting as a judge, should postpone consideration of that until the man had fired another rotten apple, and still another, and so on until he had fired a dozen? [Laughter.]

Mr. WEBB. Do you say rotten apples?

Mr. MANN. Yes; or it might be rotten eggs, for that matter.

Mr. MURRAY of Oklahoma. Mr. Chairman, will the gentleman yield again?

Mr. WEBB. Yes.

Mr. MURRAY of Oklahoma. Do you object to the provision of this amendment that says he shall have a hearing? Would you be willing to strike out the word "trial" and say he shall not be punished until the accused has an opportunity to be heard?

Mr. WEBB. Mr. Chairman, in reply to that, there may be a few judges in this country who are so arbitrary as not to give a man a chance to purge himself of contempt; but I know very few of them, and rather than cast suspicion and reflection on every judge by passing this sort of an amendment I would prefer to take the chances of impeaching the judge who violates that rule in his practice.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. MURRAY of Oklahoma. Mr. Chairman, I ask unanimous consent for just five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there objection?

Mr. CARLIN. Reserving the right to object, Mr. Speaker, how many minutes does the gentleman desire?

Mr. MURRAY of Oklahoma. Say three minutes.

Mr. CARLIN. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MURRAY of Oklahoma. Mr. Chairman, the gentleman from North Carolina [Mr. WEBB] urges that this is a reflection upon the courts. How much more a reflection is it to take away from the court entirely the trial of the case and put it before a jury? There is your first reflection upon the court.

Mr. WEBB. Let me answer the gentleman there.

Mr. MURRAY of Oklahoma. Let me finish, and then I will yield to the gentleman.

Mr. WEBB. When a crime is committed, say, 10 miles from the presence of the court, and it does not involve the organization and integrity of the court——

Mr. MURRAY of Oklahoma. Yes; and you except every writ and order and every decree and every command wherever a suit is brought on the part of the United States and in its behalf.

Mr. WEBB. That is to protect the big trusts of the country.

Mr. MURRAY of Oklahoma. And when that is brought, a man may be a thousand miles away, and under this provision he has not a jury trial. I am not urging that he has not even an opportunity to be heard in a case like that. Now why, if one is a reflection on the court, is not the other also a reflection on the court? I would be the last man in the world to reflect upon the courts as such. I believe in preserving to the courts power enough to protect the dignity of the courts.

Mr. WEBB. Did you ever hear of a case where a court did not give a man a right to purge himself of contempt?

Mr. MURRAY of Oklahoma. The usage in this bill is the old usage. It was the usage in the old Territory of Oklahoma. I have been fined myself more than once in that way. [Laughter.]

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Kansas?

Mr. MURRAY of Oklahoma. Yes.

Mr. CAMPBELL. Has it never occurred to the gentleman from Oklahoma that we are legislating here for other States than Oklahoma? [Laughter.]

Mr. MURRAY of Oklahoma. They do not do that now in Oklahoma, because this is in the constitution, and we have no difficulty in preserving the dignity of the court.

Mr. CAMPBELL. There is no such practice in other courts. Even if a man has been convicted, the court allows the defendant to say something before sentence is pronounced.

Mr. MURRAY of Oklahoma. That has been the practice in the inferior Federal courts. That is the usage, not the law.

Mr. CAMPBELL. That does not obtain in Kansas in any court, not even in a justice's court.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MURRAY of Oklahoma. A division, Mr. Chairman!

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 31, noes 47.

So the amendment was rejected.

Mr. THOMSON of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. THOMSON] moves to strike out the last word.

Mr. THOMSON of Illinois. Mr. Chairman, the statements made this morning by one of the Washington papers as to my attitude on the Webb amendment to section 7 of the bill now pending so completely misrepresented my position in the matter that I wish to state on the floor here as clearly as I can just what my position was and is on the matters involved in that amendment. I did not vote for it. In my judgment, the contentions of Mr. MURDOCK and Mr. MACDONALD to the effect that the amendment is ambiguous and uncertain, and probably will prove ineffectual so far as the purposes sought to be accomplished by the labor organizations are concerned, are correct.

But assuming that it does go as far as its proponents say it does, it then exempts "fraternal, labor, consumers', agricultural, or horticultural organizations, orders, or associations"—to quote the language of the bill—from the operation of the antitrust laws.

The real friends of this amendment contend that in effect it excludes these organizations from the operation of the antitrust laws just as clearly as the amendment offered by Mr. MACDONALD, of Michigan, proposed to do in very plain terms. I am opposed to any such wholesale exemption of these or any other organizations from the operation of the antitrust laws.

I do not believe that the acts of combinations of labor should be regarded by the law precisely as the acts of combinations of capital are. Their legitimate objects are different, and the proper means employed to reach their ends are likewise different, and therefore their operations should be regulated differently by the law, but nevertheless the acts of both should be regulated. Laws should be enacted regulating the activities of each kind of organization—the one founded on capital and the one founded on labor.

I will admit that the so-called antitrust laws are designed primarily to regulate combinations involving capital. But they prohibit the doing of certain specified things and the making of certain kinds of contracts by anybody. These laws now are held by the courts to operate to prevent organizations of labor from doing certain things that I believe they ought to have the right to do under the law. A strict interpretation of the law might, as their leaders contend, threaten the very existence of the organizations. In these respects the laws should be changed. Organizations of the kind mentioned in this amendment have a right to exist. They have rendered a great service to civilization. They have a field of activity which is proper, is needed, and in the exercise of which the law should protect them.

But also the antitrust laws operate to prevent these organizations from doing certain other things that I believe they ought not to have the right to do under the law. The Webb amendment does not distinguish between these two classes of activities which such organizations indulge in, but with one stroke exempts such organizations from the law entirely, thus making it possible for them to engage not only in proper acts, but improper ones. For instance, under this amendment a labor organization could not only engage in a strike, entirely justified under conditions existing, which might operate to restrain interstate commerce, but it could establish a boycott or a secondary boycott.

It seems to me that a proper amendment would be one seeking to take out from the operation of the law not certain kinds of organizations, but the doing of certain acts. It is the act itself that should be the criterion. Certain acts should be prohibited and others permitted, and the law should apply to everybody and to all kinds of combinations. But to me it becomes unwarranted class legislation when we prohibit the doing of certain things and then provide that certain persons or combinations of persons shall not be bound by the law. That is what this amendment does, and therefore I could not support it.

The Sherman law declares that every "contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal." That law also says that every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor and shall be punished as provided in the law. Further, the law says that every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States or with foreign nations shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished as provided.

The Webb amendment will, if this bill passes, write into the law of this country a paragraph providing that fraternal, labor, consumers', agricultural or horticultural organizations, orders, or associations instituted for the purpose of mutual help, and not having capital stock or conducted for profit, and the members of such organizations "shall not be construed or held to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

I am as good a friend of labor as my Progressive colleague from Michigan [Mr. MACDONALD] or my Progressive colleague from California [Mr. NOLAN] or my colleague from Illinois [Mr. BUCHANAN] or any other Member of this House. I am against every form of oppression and unfair and unreasonable treatment that the laboring man has had to endure, and in some cases is still enduring. And I shall do all I can for the early enactment of every reasonable and proper law that seeks to put an end to such things. I will vote for all measures included in the program of social justice, but I could not support such an amendment as this. Labor organizations have long been seeking equality of treatment with organizations representing the other end of the economic structure. I think they should have that treatment, and am willing to do all I can to give it to them. But why they should have more than that I fail to see. I am just as much opposed to creating a privileged class out of the organizations specified in this amendment as I have always been to creating a privileged class out of organizations of capital. One practice is just as vicious as the other.

The Webb amendment goes to the length of saying that a monopoly or a restraint of trade shall not be indulged in by any kind of organization except those specified in the amendment. In determining what organizations or what kinds of organizations come or should come within the antitrust laws, the true test to apply is not what is the organization, one involving capital or one involving labor, but the true test is what does the organization do. Does it restrain commerce or not; is it a monopoly or is it not.

If a contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations, is undesirable and is illegal, as it is declared to be by the Sherman law, it is so no matter who the person or what the organization may be that is involved. Can it be that a restraint of trade or a monopoly or conspiracy to that effect is bad where a corporation for profit is the actor involved but is perfectly harmless and quite proper where a labor union or a farmers' organization is the one involved? If monopolies or conspiracies in restraint of trade are a bad thing, they are a bad thing, no matter by whom,

no matter by what kind of an organization they are fostered. To prohibit them by legislation except where they are perpetrated by labor or fraternal organizations or farmers' associations or the members thereof is as clear an example of unwarranted class legislation as can be furnished.

It is mere folly to contend that simply because labor is a human attribute and capital is a mere inanimate thing that combinations of those who deal solely in the former ought not to be hampered in such acts as operate to restrain trade while those who deal in the latter commodity ought to be prohibited from doing any acts having such a tendency.

Again I say, if restraint of trade and monopoly and conspiracy to that end are wrong, what matters it whether that restraint is brought about by the manipulation of that which is a human attribute or that which is an inanimate thing? The antitrust laws relate to combinations of persons, not of capital nor of labor as such, and to certain acts by those persons. Capital in itself can do nothing, nor can labor. It is with the owners and the manipulators of these things and the way in which those owners use these things as distinguished from the things themselves that the laws should have to do.

But this amendment says that these laws shall not apply to these persons so long as the thing that they use and manipulate to restrain trade is a human attribute—labor—and that all such persons shall be exempt from the operation of the law.

If the Webb amendment had specified certain proper acts and kinds of acts usually engaged in by such organizations as are named in the amendment, and which are now prohibited by a strict construction of the antitrust laws, and had provided that they might be legally done notwithstanding the antitrust laws, I would have supported the amendment.

It is the acts proper in themselves that should have been excepted from the operation of the antitrust laws, and the laws, with the exceptions adopted, should apply to everybody and every kind of organization. But in excepting certain organizations and classes of individuals from the operation of the law not only acts proper in themselves, such as a peaceful strike, are legalized, but acts not proper in themselves, such as a secondary boycott, are legalized.

I am opposed to any exemption which has such an effect or which might be so construed, and therefore I did not support the Webb amendment, and I also voted against the MacDonald and Thomas amendments.

Mr. BRYAN. Mr. Chairman, section 22 includes among the exceptions any case in the name of or on behalf of the United States. Does not that exception include receivership cases, where railroads, for instance, would be in the hands of the court and the court would enter orders concerning them? Are not all those cases conducted in the name of the United States?

Mr. WEBB. No; this is where the United States is a party to the suit.

Mr. BRYAN. But it does not say that. It says—

In the name of, or on behalf of, the United States.

My present impression is that these orders in receivership cases are issued in the name of the United States in the Federal courts.

Mr. WEBB. I think this does not cover those cases.

Mr. BRYAN. I will not offer any amendment, but I think you will discover an indefiniteness here.

The Clerk read as follows:

SEC. 23. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts; but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this act.

Mr. MORGAN of Oklahoma. Mr. Chairman, I desire to offer an amendment to come in as a new section.

The CHAIRMAN. Are there any amendments to perfect the text of section 23?

Mr. BUCHANAN of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. BUCHANAN of Illinois. Mr. Chairman, I have not taken up any of the time of this committee during this debate. Those who desire the freedom of action of the labor people of the country expected that we were going to have the practically unanimous support of the House to those amendments that we believed would exempt the labor people of the country—organized labor—in their liberty of action that the Constitution of the United States is supposed to guarantee.

It was stated on the floor, in the discussion of section 7, that the amendments adopted were a compromise on the part of the representatives of labor. While I do not assume to speak for organized labor, and while I am not wholly familiar with their thoughts in regard to the matter, I believe it is safe to say that they consider the question of exemption from the operation of such laws as the Sherman antitrust law, and laws created for the purpose of preventing the monopoly of commodities, as being entirely separate and apart from the questions involved in the activities of organized labor. They consider it so important to have human beings in their normal activities freed from the operations of the Sherman antitrust law that there is absolutely no chance for them to agree to any sort of a compromise, so far as that is concerned. While it is true that those of us who considered this question of such great and vital importance to the wageworkers of the country at first desired an amendment providing that the antitrust laws shall not apply, we believed that the amendment finally agreed upon was fully as strong as the amendment that we had first proposed.

I wish to say we did not accept that amendment as any sort of a compromise. We believed that the Democratic Party, the Progressive Party, and even the Republicans, the great majority of the Members of this House, had seen the light in regard to this question. We believed that they had plainly seen the difference between commodities and living human beings; in other words, that they had come to the conclusion that humanity was in a different class from a ton of coal, a bolt of cloth, or a pile of bricks, and therefore did not consider this to be class legislation of any sort, or any special privilege. In other words, labor organizations do not desire to be permitted to buy up and monopolize any commodity for the purpose of profit, but they do want to be placed in the same status—in other words, to be restored to the same status—in which they were before the Sherman antitrust law was twisted to apply to their activities. On this question there could be no compromise. If it was simply a question of language that meant the same thing, then we were not so much concerned. While personally I believed in making the language short and clean-cut, so that there could be no doubt in regard to the matter, and while so far as I was concerned I was willing to make the issue a clean-cut one. I claim that it is high time that the people of this country know how their public servants stand on this question, whether or not they really mean to give to the labor people of this country, who bear the burdens of industry, that freedom of activity guaranteed them by the Constitution. They believe the time has now come when judges shall not be permitted to strangle justice and liberty by construing and applying laws contrary to the intention of the creators of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

Mr. KINDEL. I object.

The CHAIRMAN. The gentleman from Colorado objects.

Mr. MORGAN of Oklahoma. Now, Mr. Chairman, may I offer my amendment?

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MORGAN of Oklahoma moves to amend, on page 40, by adding a new section, to follow section 23, and to be numbered section 24, as follows:

"SEC. 24. That whenever any United States attorney shall have reliable information that any corporation engaged in commerce in the manufacture, sale, or distribution of any necessity of life, or of any article, product, or commodity in common use is a virtual monopoly, or by reason of the nature, character, or extent of its business the absence of effective competition or for any other cause possesses the power to arbitrarily control the price or prices of any necessity of life, or of any article, product, or commodity in common use, or controls the price or prices paid to the producers of any article, commodity, or product in common use, or controls the price or prices paid for the product of any mine, or of any oil or gas well, it shall be the duty of said United States attorney, under the direction of the Attorney General, to file a petition in the United States court against said corporation alleging the aforesaid facts, and praying that the said corporation shall be adjudged a quasi-public corporation and made subject to the control of the Commissioner of Corporations or subject to the control of any commission that, at the passage of this act or thereafter, may be the successor of the Commissioner of Corporations, in all its practices, prices, and charges in like manner and to the same extent that common carriers are now subject to the control of the Interstate Commerce Commission; and if the court shall find that the material facts alleged in the petition are true it shall render a decree adjudging the said corporation to be a quasi-public corporation, and adjudging the said corporation to be subject in all its practices, prices, and charges to the control of the Commissioner of Corporations or the commission, as the case may be, as prayed for in the petition: *Provided*, That thereafter the practices of said corporation in conducting its business and the prices at which it shall sell its products and the price or prices it shall pay the producer of any of the articles, commodities, or products mentioned in this section shall be just and reasonable."

Mr. MORGAN of Oklahoma. Mr. Chairman——

Mr. CARLIN. I desire to make the point of order that the amendment is not germane to this bill.

Mr. MORGAN of Oklahoma. I should like to be heard on that point of order. I did not quite get the ground of the point of order, and I wish the gentleman would state it again.

Mr. CARLIN. That it is not germane. As I understand, the amendment relates to the duties of the trade commission.

Mr. MORGAN of Oklahoma. No; it provides for a proceeding whereby we may control a virtual monopoly.

Mr. CARLIN. I withdraw the point of order. Let the gentleman discuss the merits.

The CHAIRMAN. The gentleman from Virginia withdraws the point of order.

Mr. MORGAN of Oklahoma. Mr. Chairman, I do not present this amendment as expressing my conception of what should be done as a broad, comprehensive, effective measure to control the industrial corporations of this country, commonly known as trusts.

In the bill No. 18711, which I introduced in the Sixty-second Congress and which I reintroduced in this Congress, I have presented my idea of the administrative machinery that is needed in the form of a Federal trade commission, the power that should be conferred upon this commission, and the laws that should be enacted to enable the Federal Government to exercise the proper and necessary control over our large industrial corporations in both their practices and prices. But we have completed the consideration of the bill to create an interstate trade commission without conferring any adequate power upon the commission to exercise the control over our large industrial corporations which is demanded for the proper protection of the people of this country.

We have had this bill—House bill 15657—under consideration for a number of days. The last section has been read, and I propose a new section to follow the last section, which I believe would add materially toward securing substantial and beneficial results under the bill.

While the amendment does not express my idea of what should be done, I am certain it is a step in the right direction, and if it were adopted splendid results would follow therefrom. Then, having ascertained that the majority in this House will not go as far as I think we should go, I present this proposition, hoping the majority will go a part of the way in the right direction, for a half of a loaf is better than none.

Mr. Chairman, I want the Members of the House to get clearly in mind that this provision only applies to corporations which arbitrarily control the price or prices of some necessity of life or of some article in common use among the people.

It does not apply to all industrial corporations, however much their capital or wealth may be, but it narrows it down to providing a procedure against a corporation that possesses the arbitrary power to control the prices of a product in common use or of some necessity of life. And before that power shall be exercised, under this section that I propose, the United States attorney is required to file a suit in court, citing and bringing the corporation into court, giving that corporation the right to defend, and if after a full hearing the court shall find on the single issue that the corporation does control the price of a product in common use or of some necessity of life, then the court is given authority to adjudge that corporation a quasi public corporation and subject to the control of the Commissioner of Corporations or the commissioner that may be made his successor in the same manner that common carriers are subject to the control of the Interstate Commerce Commission.

In proceeding under the Sherman antitrust law we have two remedies. We may dissolve the corporation or fine it. The amendment which I have offered provides a new remedy. And a new remedy is needed. Under the Sherman law the American Tobacco Co. and the Standard Oil Co. were dissolved. But it is generally believed that some of these companies still possess the power to control prices of their products, yet there is no remedy, no procedure, for relief. In my own State the Standard Oil Co., or one of the branches into which it was divided by the court, absolutely controls the price of petroleum and its products in that State. The same company controls the price of products throughout other States of the Union. Under the law as it now exists our people are powerless. There is no procedure by which they can free themselves from the monopolistic power of this gigantic corporation.

Now, when you undertake to dissolve a corporation under the Sherman antitrust law you must prove the conspiracy and you must prove many things before you get a decree against it. In this procedure there would be one single proposition to prove, one single issue—Does the corporation control the price of any necessity of life or of any product in common use among the people? If, after a hearing in court, this question shall be answered in the affirmative, say, that the corporation ought not to be brought under the control of the Federal Government, who will say such corporation should be permitted to continue with this power to levy tribute upon the people? Such corporation has ceased to be a mere private business concern, making reasonable profits under competitive conditions. It is not profits it makes, but it is levying tribute; for a great corporation, controlling the production and the prices of an article in common use, really possesses the taxing power.

Now, I appeal to you to let this section go into this law. Give the people an additional remedy. Give the people a procedure whereby they may go into court and determine what power a big corporation has to arbitrarily control prices of articles in daily use among the people.

We hardly realize, I think, to what extent the prices of products in common use in this country are within the arbitrary control of great corporations. The farmer goes to town, and perhaps he wants to buy coal. He visits the coal yards, and they have all the same price. He wants to buy lumber, and he visits the lumber yards, and they all make the same price. He goes into a dry goods store to buy clothing for his family, and he finds that they all sell at the same price. He wants to borrow some money, and he goes to the banks, one after another, and they all charge the same rate of interest. Now, the local merchants are not to blame; they must have a reasonable profit; but they buy of big corporations which practically fix the prices at which local dealers must sell. But the farmer comes to town to sell his corn, wheat, or cattle, or hogs. He finds the prices at which he must sell his products are largely fixed by big corporations doing business in the great cities, the centers of trade and commerce. This is what the people are complaining about. This is the thing from which they ask relief. Do you propose to pass this trust bill without giving the people a single additional remedy? Do you think the people will think you have done your duty when you have prohibited a few things? The things which you have prohibited in this bill will not materially change present conditions. All the provisions in this bill are not sufficient to destroy a single trust or to take away from a single corporation the power to control the prices of articles in common use. [Applause.]

In our antitrust legislation we should keep clearly in mind what we want to accomplish, the evil to be eradicated, the result to be attained. We should have a definite program in mind. As I see it, this is what we want to do: Destroy monopoly, maintain competition, prohibit unfair practices, prevent unjust discrimination, secure equality of opportunity, insure reasonable prices, give protection to the people, encourage enterprise, reward industry, and promote prosperity. The one thing that is dangerous in a large corporation is its power to arbitrarily control prices—the prices not only of what people buy, but the prices of what farmers and other producers have to sell. Now, this is a power that no private corporation should have or can have with safety to the people. Now, then, I have suggested a procedure and the judicial and administrative machinery by which any corporation suspected of possessing this power may be brought into court and the question determined. If the corporation is found to possess this power, then I provide that its practices and the prices of its products shall be subject to the control of a Federal commission so long as that power exists. We control the rates and charges of our transportation companies and of our public utility companies solely on the ground that their charges are not controlled by competition. I submit that we have the same moral and legal right, and that there is the same public necessity to control the prices of the products of our great industrial corporations when they possess a like power to control the prices of articles in common use. More than this, it will have a great moral effect upon the great business concerns of this country when the Government may, by a judicial proceeding, determine what degree of monopolistic power they possess; and, in addition to this, when you have demonstrated to the people that either through effective competition or governmental control they shall be fully protected from monopolistic prices and charges, you will have taken a long step toward social and industrial peace. You will have contributed to the material progress of our country. You will have laid the foundation for the highest possible expansion of our trade and commerce. You will have strengthened the fabric of the Republic and added to the prosperity, contentment, and happiness of the American people.

Mr. BUCHANAN of Illinois. Mr. Chairman, labor's representatives do not consider that they have compromised in regard to the amendments to this bill. I do not consider that the President has made any compromise nor undergone any change. To bear out my position I want to read what the President said about this legislation in his speech accepting the nomination of the Democratic Party.

Mr. KINDEL. Mr. Chairman, I make the point of order that the gentleman is not talking to the matter before the House.

The CHAIRMAN. The gentleman from Colorado makes the point of order——

Mr. DAVENPORT. Mr. Chairman, I did not understand that the gentleman from Colorado made a point of order.

Mr. MURDOCK. The gentleman from Colorado has made the point of order, but the gentleman from Illinois is entitled to proceed.

The CHAIRMAN. The Chair understood the gentleman from Colorado to make a point of order that the gentleman from Illinois was not confining his remarks to the subject. The gentleman from Illinois will proceed.

Mr. BUCHANAN of Illinois. I want to say now that the gentleman from Colorado made an erroneous statement a short time ago when he said that I objected to his remarks. I did object to his inserting some matter in the RECORD in regard to the Colorado strike, but I never objected to the gentleman making a statement on the floor.

Mr. KINDEL rose.

The CHAIRMAN. For what purpose does the gentleman from Colorado rise?

Mr. KINDEL. I want to correct the gentleman from Illinois.

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. BUCHANAN of Illinois. No; I do not yield. As I was saying, the President stated in his speech accepting the Democratic nomination:

> The working people of America—if they must be distinguished from the minority that constitutes the rest of it—are, of course, the backbone of the Nation. No law that safeguards their life, that improves the physical and moral conditions under which they live, that makes their (the working people of America) hours of labor rational and tolerable, that gives them freedom to act in their own interests, and that protects them where they can not protect themselves, can properly be regarded as class legislation or as anything but a measure taken in the interest of the whole people, whose partnership in right action we are trying to establish and make real and practical. It is in this spirit that we shall act if we are genuine spokesmen of the whole country.

Therefore, I say, Mr. Chairman, that when the President lends his support to legislation such as the amendment labor desires to secure in this bill, he has not undergone a change. I want to say, in addition to what I have said, that those who can not distinguish the difference between human physical and mental activity and commodities, in my opinion, are mentally unfit to pass upon matters that concern humankind. Before they are capable of coming to the right conclusions in regard to the matter they must understand that labor is not in the same class with commodities, that a human being can not be placed in that class In regard to the injunction, to me it is a reflection upon the republican form of government in this country where our forefathers spent their blood and lives for freedom and liberty that it becomes necessary to pass an act to give the citizens of our Republic that equality and liberty which the Constitution guarantees; and when we are passing measures to curb injunction judges, or, in other words, when judges enjoin citizens from exercising their legal and constitutional rights, they are usurping power and therefore committing a crime. I hear much said about the dignity of the judges, and I agree that the position of judge is a dignified position, but when those who are holding that position do not conduct themselves in accordance with the dignity of the position it is all the more reason why they should be criticized for the wrongs they commit.

The usurpation of power by the judges of our country has created public mistrust and contempt for our judiciary. When our judges are guided by the justice and patriotism of our forefathers, who freed us from the tyranny of monarchy, public respect and confidence will be restored; but when their decisions and constructions of the laws are influenced by the vicious combinations of the criminal rich they will continue to lose the confidence and respect of the great masses of the people.

Section 18 of this bill is a prohibition of restraining orders and injunctions by the courts of the United States. It does not legalize any act that is not already legal and constitutional, and therefore it is for the purpose of preventing judges from usurping power by issuing injunctions to prevent citizens from exercising their legal and constitutional rights.

I am unalterably opposed to government by injunction. I do not think that judges have any right to issue injunctions restraining citizens from violating the laws of the country, because in every State, county, city, District, and Territory of the United States the Government has its officials to enforce the laws, and in my judgment justice will be better served if the laws against violence and other necessary prohibitions are enforced in the regular way by giving a hearing and trial by jury, as provided in the Constitution and laws of the country. If wage workers violate the law they should be prosecuted the same as anyone else, no matter whether there is industrial strife or industrial peace; in fact, all they ask is to be on equal terms before the law with every other citizen.

The justice which affects men and women is not some impersonal, universal thing, but a force which accords them their rights in the relations with other men and women. Justice must be made effective in all the interests and phases of life. Since justice can only result through the conductivity of a human will, the human agent is the most important factor in securing it. Theoretically absolute justice is, of course, never realized in the actual, but we must at least approximate it. To be an agent of justice is a most serious function, requiring the highest qualities of heart and mind.

To do justice one must understand the past and the future. Whatever the judge knows of the past is part of his own mental background. Whatever he knows of the future is his prophetic instinct born of his knowledge of the human heart.

Knowledge is the mass of usable impressions and facts that have accumulated from environment, thought, and life. This knowledge is the means of interpreting the present. Whatever experience is not a part of one's knowledge can not influence the mind in deciding present problems. A judge whose mental capacity has never been keyed to the whir of modern industry and does not contain real experiences that enable him to step into the shoes of the man who works for an employer for wages can never get the viewpoint of those who view life from the machines of industry. If he can not get the viewpoint, he can never enter into that life to a sufficient degree to enable him to know justice for the affairs of that life, for he could never understand what it was all about. A man who does not take for granted the great things in human nature can not be an agent of justice, for he has no sense of the future into which the whole world is swinging. A judge who does not believe in the masses can apply only the letter of the law without understanding the spirit of justice.

Perhaps no more conspicuous example of the absence of the true judicial temperament can be found than Alston G. Dayton, Federal judge for the northern district of West Virginia. His official acts prove either that he is unable to understand the life of the masses of the people or that he has deliberately allied himself with a particular class interest against the welfare of the masses. Whichever is true, he is incapable of unprejudiced decisions and unable to perform duties in a manner requisite to justice.

In the article by Samuel Gompers, president of the American Federation of Labor, appearing in the current issue of the American Federationist some of Judge Dayton's official acts were discussed which have aroused condemnation of him as a judge and have brought criticism upon that which he represents. The miners in West Virginia endeavored to bring the judicial abuses of this judge before those authorized to remove him from office. Another effort to secure his removal is a resolution for impeachment proceedings against him introduced in this House by Congressman NEELY of West Virginia.

In the passage of the legislation embodied in this bill the Democratic Party is fulfilling its promises to the American wageworkers by enacting a law to protect them against judicial usurpation of authority and to secure to them full enjoyment of their rights, and it will secure for this administration and the Congress the confidence and support of the great masses of the American voters.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. WEBB. Mr. Chairman, I ask unanimous consent to return to section 9 to make a correction.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to section 9. Is there objection?

There was no objection.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

> On page 28 amend as follows:
> "In line 20, after the word 'director,' amend by inserting the words 'officer or employee'. On page 29, in line 1, amend by inserting after 'director' the words 'officer or employee.' And in the same line, after the word 'elected' insert the words 'or selected'; and in line 3, on the same page, amend by inserting after the word 'election' the words 'or employment.'"

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. FLOYD of Arkansas. Mr. Chairman, I offer the following further amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 30, after line 18, amend by inserting as a new paragraph the following:

"When any person elected or chosen as a director or officer or selected as an employee of any bank, or other corporation, subject to the provisions of this act, is eligible at the time of his election or selection to act for such bank or other corporation in such capacity, his eligibility to act in such capacity shall not be affected, and he shall not become or be deemed amenable to any of the provisions hereof by reason of any change in the affairs of such bank or other corporation, from whatsoever cause, whether specifically excepted by any of the provisions hereof or not, until the expiration of one year from the date of his election or employment."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MURRAY of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 28, line 14, strike out "$2,500,000," and insert "$1,000,000."

Mr. WEBB. Mr. Chairman, a parliamentary inquiry. Is that amendment in order unless the gentleman has unanimous consent to offer it?

Mr. MURRAY of Oklahoma. The gentleman returns to the section by unanimous consent, and he did not specify any particular amendment, and that opened section 9 for any other amendment.

The CHAIRMAN. The Chair is inclined to the opinion that under the terms on which this section was returned to the amendment would be in order.

Mr. WEBB. Mr. Chairman, this section 9 was not passed by unanimous consent. Section 12 was the only one that was passed by unanimous consent. I asked unanimous consent to return to section 9 to make some corrections.

Mr. MANN. It was for the purpose of offering amendments.

Mr. WEBB. That is true.

The CHAIRMAN. The gentleman from Oklahoma is entitled to offer his amendment, the Chair thinks, and the gentleman is recognized for five minutes.

Mr. MURRAY of Oklahoma. Mr. Chairman, I drafted this amendment while the gentleman was talking, and the amendment ought to apply not only to line 14 but also to line 18. The purpose of my amendment is this: The bill provides that only those corporations having a capital stock and surplus of $2,500,000 can come within this act, prohibiting interlocking directors. Without this lowering of the amount to $1,000,000 many large banks, trust companies, and other concerns will escape the prohibition against interlocking directors. I really believe that $1,000,000 stock banks is too high to reach the evil, but certainly $2,500,000 banks will let too many out to reach the evil. I therefore trust the committee will let this amendment go in.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. MANN. Mr. Chairman, I ask unanimous consent to return to section 11, for the purpose of offering an amendment.

Mr. WEBB. But one amendment?

Mr. MANN. Yes.

Mr. CARLIN. I suggest that the gentleman make it specific.

Mr. MANN. Mr. Chairman, I ask unanimous consent that we return to section 11, in order that the gentleman from Pennsylvania [Mr. GRAHAM], a member of the committee, may offer an amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the committee return to section 11 for the purpose stated. Is there objection?

Mr. FOWLER. Mr. Chairman, reserving the right to object, I would be glad if the gentleman would indicate what amendment he desires to offer.

Mr. WEBB. Mr. Chairman, I hope the gentleman from Illinois will not object. The committee is advised of what the amendment is.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 9, after the word "district," insert:

"*Provided*, That no writ of subpœna shall be issued to run for more than 100 miles from the trial court without the permission of the court being first had, upon proper application, and cause shown."

Mr. GRAHAM of Pennsylvania. Mr. Chairman, section 11, as I understand it, has been introduced for the purpose of enlarging the scope of the service of a subpœna. By its terms as the section stands the subpœna will run now throughout the whole of the United States without any limit or hindrance; and when one remembers that a subpœna is a writ of right and that upon paying the fee a subpœna may issue one can readily see how this bill puts it in the power of a person to summon an individual from California to come to New Jersey and vice versa, or from one end of the country to the other. Now, that is an extraordinary power that would expose all of our citizens to a severe hardship. It might lead to the ruin and destruction of a man's business, besides the severe inconveniences to which it would subject him.

Mr. CARLIN. Will the gentleman yield for an interruption?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. CARLIN. I think if the gentleman would change the amendment so as to read the writ should run to the judicial district the committee might accept it.

Mr. GRAHAM of Pennsylvania. I want to say in answer I am perfectly willing, although the existing law permits service of a subpœna upon citizens living outside the district for not over 100 miles from the court.

Mr. FLOYD of Arkansas. I understand the existing law permits the running of a subpœna 100 miles outside of the State. If it was limited to 100 miles within the State, there are plenty of judicial districts in the United States——

Mr. GRAHAM of Pennsylvania. I beg leave to say that I am correct in my statement about the service.

Mr. FLOYD of Arkansas. Anywhere in the judicial district?

Mr. GRAHAM of Pennsylvania. And 100 miles from the courthouse for citizens living outside of the district. That is the law as it stands to-day. It may be necessary in some cases, there may be isolated exceptional cases, in which the power given in this bill ought to be exercised; but while we grant this power we should put a certain limitation upon it, that it must be made upon proper application and cause shown. It seems to me to be in the interest of all our citizens that this amendment should be allowed.

Mr. WILSON of Florida. Does the gentleman's amendment apply to criminal cases as well as civil?

Mr. GRAHAM of Pennsylvania. No.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. GRAHAM of Pennsylvania) there were—ayes 59, noes 15.

So the amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I have an amendment to offer to section 12.

The CHAIRMAN. That will not be in order without unanimous consent to return to section 12.

Mr. TOWNER. I am not asking for unanimous consent.

Mr. GARNER. Mr. Chairman, is this amendment to be offered by unanimous consent or by right of a Member?

Mr. MANN. We passed over section 12 yesterday.

The CHAIRMAN. The Chair stated that it will not be in order except by unanimous consent.

Mr. MANN. We passed over section 12, and I think the committee is entitled to recognition.

The CHAIRMAN. The Chair will recognize the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Chairman, I ask to return to section 12, which was passed over yesterday, and I ask the Chair to recognize the gentleman from Arkansas [Mr. FLOYD], who has a substitute for section 12, and no other amendment.

The CHAIRMAN. The gentleman from Arkansas offers a substitute, which the Clerk will report.

Mr. FLOYD of Arkansas. Mr. Chairman, I send to the Clerk's desk a substitute for section 12, which I offer.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Did the chairman of the committee ask unanimous consent to return to this section for the purpose of offering an amendment?

Mr. WEBB. It was passed over last night, and we have a right to return to it. That is the order of business now.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Page 31, amend by inserting in lieu of section 12 the following:

Mr. VOLSTEAD. Mr. Chairman, I make the point of order that there is already a substitute pending. I offered a substitute for this same section yesterday.

The CHAIRMAN. The present occupant of the chair was not present on that occasion.

Mr. STAFFORD. It is shown in the RECORD.

Mr. FLOYD of Arkansas. Mr. Chairman, I was not aware the gentleman from Minnesota had a substitute pending.

Mr. WEBB. Mr. Chairman, there is no doubt about the gentleman from Minnesota having offered a substitute, and I asked to pass over the section until to-day, hoping to get together on an amendment.

Mr. GARNER. I suggest the gentleman from Arkansas withdraw his substitute.

Mr. FLOYD of Arkansas. I withdraw my amendment for the present.

The CHAIRMAN. Without objection, the gentleman from Arkansas will be permitted to withdraw his substitute for the present. The Clerk will report the substitute offered by the gentleman from Minnesota on yesterday.

The Clerk read as follows:

Strike out section 12 and substitute:
"Any person who shall do, or cause to be done, or shall willingly suffer and permit to be done any act, matter, or thing prohibited or declared to be unlawful in the antitrust laws or shall aid or abet therein, shall be deemed guilty of such prohibited and unlawful acts, matters, and things and shall be subject to the punishments prescribed therefor in the trust laws."

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to change the word "and" in the second line to the word "or," and also by inserting in the last line the word "anti" before the word "trust," so as to make it read, "antitrust laws."

The CHAIRMAN. The Clerk will report the proposed modification.

The Clerk read as follows:

Modify the amendment by striking out the word "and" in line 2 of the amendment and substitute the word "or"; and in the last line place the word "anti" before the word "trust."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Chairman, I would like to call attention to this and to some extent compare it with the amendment which was offered by the gentleman from Arkansas. I think this would meet the situation better than the one he has offered. In the first place, this does not undertake to change the extent of the punishments. This simply says that as to any act that is criminal under existing law, if any person does anything to aid or assist in doing that act, he shall be guilty just the same as the corporation. Now, that seems to me better, because you do not have to consider whether the punishment of $5.000 is the proper one, the sum mentioned by the amendment proposed by the gentleman from Arkansas. Different sections of this act provide for different punishments, some greater than others.

This amendment is drafted in line with a similar provision contained in the interstate-commerce law and seeks to accomplish the purpose of that provision in substantially the same language. It uses languages quite generally used in criminal statutes. I do not see why we should not go as far as this does. The amendment proposed by the gentleman from Arkansas [Mr. FLOYD] does not go nearly as far as this, because it only provides punishments in case the individual authorizes or orders an unlawful act.

Now, why should not a person who willingly suffers or permits a thing to be done or who aids or abets in doing a thing denounced as a crime be guilty under this statute, just as he is under almost any other criminal statute? It seems to me there is no reason why we should be so extremely lenient to these violators of the law. Why should we not apply to them a statute like the statutes we apply to other offenders?

I do not think that there is anything further that I care to add. It is a simple proposition. If you desire to draw this statute so as to make the crime personal and carry out the promises made in your stump speeches let us put it in language so that it means something.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD]. He has very correctly stated that his proposed amendment goes very much further than the amendment proposed in section 12 as it is now written, and further than the amendment I propose to offer as a substitute for section 12, in case this is voted down. I have several objections to the wording of this provision. I think it is indefinite. I think it is too drastic and goes too far. It not only proposes to make unlawful the act of any person that aids and encourages, but also makes unlawful the acts of those who assist in any way those who violate the antitrust laws.

Now, in the operations, these great corporations with which we are dealing, under the broad terms of this language, every man that aids in any way in carrying out any unlawful purpose of the corporation would come within the scope of this provision.

Mr. MANN rose.

Mr. FLOYD of Arkansas. Mr. Chairman, I yield to the gentleman.

Mr. MANN. Mr. Chairman, as I understand the purpose of this section, it is to make the act of the individual punishable, although he is an officer of the corporation, and to make the corporation itself punishable.

Mr. FLOYD of Arkansas. Yes; the corporation itself.

Mr. MANN. Why does not this language, inserted in a number of laws, cover the case identically—

When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

Mr. FLOYD of Arkansas. Well, I think that is entirely different. That makes the act of the individual the act of the corporation and holds the corporation responsible for the act of the individual, and the purpose of that provision is entirely different from and the reverse of the purpose of this section.

Mr. MANN. It makes the act of the individual punishable as to the individual, and also punishable as to the corporation. I understood that was the purpose of this section.

Mr. FLOYD of Arkansas. Certainly; it makes the act of the individual punishable within itself, and also attributes to the corporation guilt on account of the act of the individual.

Mr. MANN. Yes. Here is an officer of a corporation who performs an act.

Mr. FLOYD of Arkansas. Our proposition is the reverse of that, in a sense.

Mr. MANN. The corporation must act through individuals. There is no other way for it to act. Now, you propose in a section, as I understand, that where an act is committed by a corporation, which, of course, must be committed through individuals, the individuals may be punished if they are officers or employees of the corporation. That is identically what is accomplished by this provision which I read, which I think, in the exact form it is in, was carried in the pure-food law, but it has also been carried in a number of acts passed since then. But it has met the construction that where an individual who is a member or an officer of a corporation fails to perform an act or commits an act the corporation can be punished for that and so can the individual.

Mr. FLOYD of Arkansas. That is correct; but I like the provision that we present much better than that provision. Under the existing law the corporation may be convicted. True, as the gentleman from Illinois states, the corporation can only violate the law through the acts of its agents, officers, or employees; but we are proposing and seeking by this provision to visit guilt upon the real offenders.

Now, under the existing law, the man who does the act which constitutes a violation of the law can be punished as an individual, just as the corporation can be punished on account of the unlawful act of its agents or officers. But we propose by this provision to hold as responsible under the criminal statutes the man who authorizes or orders wrongful things to be done. In other words, we are seeking to reach the directors and the high officers of these corporations who authorize or direct their employees to do acts which constitute violations of the antitrust laws, and we much prefer the language we have used to that proposed by the gentleman from Minnesota [Mr. VOLSTEAD] or that suggested by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. VOLSTEAD. I want to ask the gentleman from Arkansas this question: Are you quite sure that this does not make it necessary, first, to convict the corporation before you can indict the individual? I want to call your attention to the first part of this amendment. It says that "whenever a corporation shall be guilty, such offense shall be deemed also that of the individual directors." Now, are you quite sure that a court would not hold that you must first prove that the corporation is guilty?

Mr. FLOYD of Arkansas. In answer to the gentleman's question, I will state that if it said "whenever a corporation is convicted" it would mean what he suggests.

Mr. VOLSTEAD. It says "when they are guilty." They are not guilty in law until they are convicted.

Mr. FLOYD of Arkansas. I do not think the language here used would admit of that interpretation.

Mr. VOLSTEAD. It seems to me that this is open to the same objection as the original section. While it is true that the original section requires a conviction, this section requires first a showing that the corporation is guilty, because until there is proof of guilt the court could not say that the corporation is guilty. Nearly all our antitrust suits are brought as equity suits, because it is of very little use to bring a criminal suit against a corporation. Consequently this will practically shield the persons participating in the guilty act by making their conviction depend upon the conviction of the corporation, which is not likely to take place.

Mr. FLOYD of Arkansas. I will say to the gentleman from Minnesota that we do not make the conviction of an individual conditional upon the guilt of the corporation. We provide that where the corporation is guilty it shall be deemed the offense of the officers, directors, or agents authorizing, ordering, or doing the thing prohibited, but they may be guilty independently of that, and if guilty may be tried and convicted without reference to the guilt of the corporation.

Mr. VOLSTEAD. I know; but if you make the guilt of the officers dependent upon the guilt of the corporation, you can not convict the officers until you convict the corporation. There is only one way known to the law under which you can prove the guilt of the corporation, and that is by a conviction; you do not want that, because you are wasting your time and energy in proving the corporation guilty. What you want to do with the corporation is to bring your suit against it in equity. And you want to be at liberty to bring your criminal suit against the officers at the same time for any violation of the antitrust law.

Mr. FLOYD of Arkansas. I hope the House will vote down the amendment of the gentleman from Minnesota.

Mr. BEALL of Texas. I should like to ask the gentleman from Arkansas a question.

Mr. FLOYD of Arkansas. I yield to the gentleman from Texas.

Mr. BEALL of Texas. In the amendment which you have offered do you still include this phrase—

That whenever a corporation shall be guilty of the violation of any of the provisions of the antitrust laws——

Mr. FLOYD of Arkansas. Yes

Mr. BEALL of Texas. Mr. Chairman, I think there is something in the suggestion made by the gentleman from Minnesota [Mr. VOLSTEAD]. I do not believe, if that phrase remains in the section, any officer of a corporation can be convicted of a violation of the antitrust laws until after the corporation of which he is an officer has been convicted of it.

Mr. BRYAN. Criminally guilty, too.

Mr. BEALL of Texas. Criminally guilty. Now let us look at it:

That whenever a corporation shall be guilty of the violation of any of the provisions of the antitrust laws, the offense shall be deemed to be also that of the individual directors, officers, or agents of such corporation, and upon the conviction of the corporation any director, officer, or agent who shall have authorized, ordered, or done any of such prohibited acts shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

Now, as a condition precedent to the convicting of any one of these officers or agents you have first to establish the fact that the corporation has been guilty of a violation of the antitrust law through a judicial conviction.

Mr. BRYAN. And you have got to put it in your indictment.

Mr. BEALL of Texas. It is true that the corporation acts only through officers and agents, but it seems to me it would be much more direct language, and a much plainer provision, if you should say that any person acting or purporting to act as the agent or as an officer of an offending corporation, who does any of the things forbidden by the antitrust laws shall be guilty of a misdemeanor, and shall be punished so and so, and eliminate this requirement which, if it remains, must be given some meaning. You are seeking to convict a man of some criminal offense, and one of the conditions which the prosecution will be required to meet will be to prove the fact that the corporation has been guilty of a violation of the provisions of the antitrust laws. I think the amendment of the gentleman from Minnesota [Mr. VOLSTEAD] is preferable.

Mr. McCOY. Will the gentleman yield?

Mr. BEALL of Texas. With pleasure.

Mr. McCOY. Is it not perfectly possible also that an officer of a corporation might commit an ultra vires act and the corporation not be liable, whereas all the while he might be doing something in violation of the law?

Mr. BEALL of Texas. That is true. A man who does something in violation of the provisions of the antitrust law may be doing something that is entirely beyond his authority as an officer or agent of the corporation, but yet the effect of his act is to bring about a violation and a transgression of the law as laid down in the antitrust statutes. It is my opinion that the amendment of the gentleman from Minnesota [Mr. VOLSTEAD] is in better form and reaches the evil which you are seeking to reach more directly and certainly and perhaps more efficiently than the amendment suggested by my colleague on the committee, the gentleman from Arkansas [Mr. FLOYD].

Mr. LENROOT. I should like to ask the gentleman whether it is not true that there are a great many acts which, standing alone by themselves, are not wrongful, are not within the condemnation of the antitrust law, but which become wrongful only when committed or performed in furtherance of an unlawful combination, and therefore you must have the unlawful combination in connection with the performance of the act in order to reach what we ought to reach by this amendment?

Mr. CARLIN. In other words, you must have the offense by the corporation.

Mr. BEALL of Texas. That may be true in some instances, but it is also true that there are certain things forbidden by this bill that we are now passing—certain specific acts that if a man commits he violates the antitrust law. He need not be in conspiracy with anybody. It is not required that he shall be cooperating with anybody. If he commits any one of these acts, he violates the antitrust law. Now, why not say that the man who does one of these forbidden things, acting as an officer or agent of a corporation, shall be guilty of a violation of the antitrust law, and in that way make his guilt personal?

Mr. GREEN of Iowa. Mr. Chairman——

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. GREEN of Iowa. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. I did not understand that there was any agreement limiting debate.

The CHAIRMAN. The gentleman may move to amend the amendment.

Mr. GREEN of Iowa. I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word and is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Chairman, I agree with the gentleman from Arkansas [Mr. FLOYD] that the language read by the gentleman from Illinois was intended to operate just the converse of what is intended by this section, namely, to make the corporation liable for the act of the individual; but I agree also with the gentleman from Texas [Mr. BEALL] who states substantially that the amendment of the gentleman from Arkansas [Mr. FLOYD] does not obviate the objections to the section as it now stands.

The section as it now stands undoubtedly requires two convictions before the guilt of the individual can be established and he be punished. As the gentleman from Texas has properly said, under the amendment proposed by the gentleman from Arkansas the conviction of the corporation will still be required as a condition precedent. The gentleman from Arkansas said he thought the amendment proposed by the gentleman from Minnesota was too drastic, but it only embodies a general principle of the criminal law that whoever aids, abets, assists, assents to, or consents in an affirmative way to any criminal act is liable to all the consequence of it and may be punished.

Mr. MANN. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MANN. The gentleman made a distinction between corporations being held responsible for the acts of the officer or agent and the agent and officer being held responsible for the acts of the corporation. Does the gentleman believe that if you convict the Standard Oil Co. of a criminal act, that that authorizes the conviction of every agent of the Standard Oil Co. throughout the United States in a criminal prosecution?

Mr. GREEN of Iowa. Oh, the gentleman either misunderstood me or I made a statement which I did not intend. As a matter of fact, I do not think this provision is needed at all.

Mr. MANN. As a matter of fact, can you convict a man of an offense of which he knew nothing and in which he did not participate?

Mr. GREEN of Iowa. No; and the amendment of the gentleman from Minnesota proposes nothing of the kind.

Mr. MANN. I am not talking about the amendment of the gentleman from Minnesota. The gentleman from Iowa undertook to distinguish between a corporation being held responsible for the acts of the officers and the agents, and the agent or officer being held responsible for the act of the corporation. That distinction I can not get through my cranium.

Mr. GREEN of Iowa. That distinction was made by the gentlemen who drew the bill, and not by me.

Mr. MANN. The gentleman from Iowa was supporting it.

Mr. GREEN of Iowa. No; the gentleman misinterpreted me.

Mr. MANN. If the gentleman does not change his remarks in the RECORD he will find that I am right.

Mr. GREEN of Iowa. Mr. Chairman, as I stated a moment ago, the amendment of the gentleman from Minnesota puts in force a principle of the criminal law that whoever assists a criminal to do a criminal act shall himself be liable. It is not a strange provision; it is one that has been applied in the Sherman law as it now stands. The amendment of the gentleman from Minnesota does not weaken the Sherman law, and I am inclined to think it strengthens it. Therefore I am in favor of the amendment of the gentleman from Minnesota. We ought to have in this bill at least one provision that does not detract from the present law, and here is an opportunity to get it. I hope the amendment of the gentleman from Minnesota will prevail.

Mr. HULINGS. Mr. Chairman, I move to strike out the last word. I believe that much of the failure of the antitrust law is because, in most cases, the courts simply fine the corporation. I believe all these restrictive punitive statutes on this subject fail greatly for that very reason. I can not quite understand, although I know the courts have so held, how a corporation, the creature of the law, having no existence save for authorized purposes, can do an illegal act. Every unlawful act of a corporation is ultra vires, and the corporation is, in strict logic, incapable of doing anything except that which is in the proper sphere of its creation. Anything wrong or unlawful that is done is the authorized act of an individual, a director, officer, or agent of that corporation. I believe if you make these punitive statutes apply strictly to the officers of corporations who willfully do these ultra vires acts that you will eradicate much of the evils of corporate management. We have seen that fines amount to nothing. The officers of the corporation, and in the name of the corporation, go on and repeat the acts in spite of the repeated fines, but if you punish the men who use the powers of the corporation outside of the proper sphere of their duty, you will stop these repeated violations of the law. If you take hold of these men and punish them by imprisonment, much of the present disregard of law will cease. That is the way to stop this sort of thing. The fining of corporations means nothing; they simply go on with the acts of monopoly and collect those fines again from the people. [Applause.]

For these reasons, Mr. Chairman, I believe it to be much more important that this section of the bill should clearly provide for the prosecution of the responsible officers and agents of corporations violating the antitrust laws, independently of any prosecution of the corporation, chiefly for the reason that such personal liability is the practical way to stop the abuse of corporate power and for the additional reason that, logically and ethically, a corporation, having no power except for lawful purposes, can not conceive the intent to commit a crime, although I know the courts have held that a corporation may be indicted for a crime.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. FLOYD of Arkansas) there were 39 ayes and 24 noes.

Mr. FLOYD of Arkansas. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. VOLSTEAD and Mr. WEBB.

The committee again divided, and the tellers reported that there were 40 ayes and 50 noes.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Arkansas.

The Clerk read, as follows:

On page 31 amend by inserting in lieu of section 12 the following:

"SEC. 12. That whenever a corporation shall be guilty of the violation of any of the provisions of the antitrust laws the offense shall be deemed to be a misdemeanor, and such offense shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized, ordered, or done any of such prohibited acts, and any corporation violating any of the provisions of the antitrust laws or any director, officer, or agent thereof who shall have authorized, ordered, or done any such prohibited acts, upon conviction therefor shall be punished, if a corporation, by a fine of not exceeding $5,000; if a director, officer, or agent of a corporation, by a fine of not exceeding $5,000 or by imprisonment for not exceeding one year, or by both such fine and imprisonment in the discretion of the court."

Mr. WEBB. Mr. Chairman, I will ask if we can not have some agreement as to the time on this section?

Mr. VOLSTEAD. This is a very important amendment, and I think we ought to have some time on it.

Mr. WEBB. I ask unanimous consent that all amendments and discussion of this section be closed in 10 minutes.

Mr. VOLSTEAD. Oh, we want 15 minutes on this side.

Mr. WEBB. Very well; then I will ask that the discussion on this section and all amendments thereto be closed in 30 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate upon the paragraph and amendments thereto close in 30 minutes.

Mr. VOLSTEAD. Mr. Chairman, I shall move to strike out section 12 entirely, and I may want a little time on that.

Mr. WEBB. And, Mr. Chairman, I ask that 15 minutes of the time be controlled by the gentleman from Minnesota and 15 minutes by myself.

The CHAIRMAN. And the gentleman further asks that one-half of the time be controlled by the gentleman from Minnesota and the other half by himself.

Mr. GREEN of Iowa. A parliamentary inquiry, Mr. Chairman. Does this request apply to this amendment or to the section?

The CHAIRMAN. It applies to this section and all amendments thereto. Is there objection? [After a pause.] The Chair hears none.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, I regard this as a very important proposition, and I hope that gentlemen will hear me in defense of it.

Mr. GARNER. Mr. Chairman, will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. GARNER. Does the gentleman's proposed amendment require the corporation to be convicted before a director or agent can be convicted?

Mr. FLOYD of Arkansas. I do not so understand it.

Mr. GARNER. I just read the amendment a moment ago, and I think it specifically states that when a corporation is convicted that then the acts of its agents and directors shall be considered——

Mr. FLOYD of Arkansas. Oh, I beg the gentleman's pardon, but it says guilty.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. THOMSON of Illinois. Who is to determine whether the corporation is guilty?

Mr. FLOYD of Arkansas. This is a question to be established by proof, as a matter of course.

Mr. THOMSON of Illinois. Then it would have to be established in court.

Mr. FLOYD of Arkansas. I desire to be perfectly frank. I desire to state that our idea was to so write the law that when one of those corporations had been found guilty that the parties who were responsible for that violation of law could be punished for the acts that constituted that violation of law as individuals.

If they commit acts held to be unlawful they can be punished now, as I suggest, but we can not reach the men who are really responsible, the men who authorize and direct the acts to be done. They shelter themselves under technical provisions of the law, and some subordinate or minor employee of the corporation, some man who is paid $5 a day for his services, as in the sugar case, is convicted and sent to the penitentiary, while the rich director or officer who sits back in his room and directs the employee to do the things prohibited and gives him $5 a week extra to violate the law is never touched and never convicted. Our purpose is certainly good, and if the House can help us in perfecting the amendment we will welcome their assistance. But we regard this section as important. If the individual now violates the Sherman law he can be convicted independently of the conviction of the corporation, but we seek to impute to the individual in this provision the guilt of the corporation, and subject him to punishment, but in all fairness we do not make him guilty without further trial. We provide he shall be indicted, tried, and proceeded against in the usual way. That is the purpose of this section.

Mr. TOWNER. Mr. Chairman, will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. TOWNER. Would it not be absolutely necessary in any prosecution against any individual to allege in the indictment that the corporation had been convicted, and would not the indictment be subject to demurrer unless that allegation was made in the indictment?

Mr. FLOYD of Arkansas. Under this particular section I will state to the gentleman that that might be true, but still that very fact would enable us to reach a class of cases that we can not now reach under existing law. But if the individual independently had violated the Sherman law and was guilty of violation of it in any way as an individual, he could be convicted without ever convicting the corporation, while if the guilt of the corporation is imputed to his acts as an individual, and those acts as an individual would not constitute a violation of the Sherman law, then under this provision, if written into the law, such acts would become unlawful and the adoption of this provision would bring these forbidden acts within the purview of the law and make the director, officer, or agent guilty, the guilt of the corporation being imputed to him.

Mr. TOWNER. But the injurious effect would be that you never could convict any individual without previously convicting the corporation.

Mr. FLOYD of Arkansas. The purpose of this section is to enable the Government, when it has convicted the corporation, to reach those responsible officers who have been proven in the trial to be guilty of a violation of law by presentment of an indictment and trial. It authorizes their conviction not only for acts done but for acts authorized or ordered to be done, and gentlemen who think this would be any protection to the corporation or its directors, officers, or agents and would give them any leniency entirely misconceive the purpose of this provision.

Mr. VOLSTEAD. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. VOLSTEAD. Is not this true, that the Government very seldom indicts a corporation? It brings a suit in equity, while this compels a double action if you seek to hold the individual criminally. It compels first a criminal action against the corporation and then perhaps a suit in equity, while under the law as it now stands you can indict and convict the individual without paying any attention to the corporation, so far as any criminal procedure is concerned, and you can at the same time pursue your remedy in equity.

Mr. FLOYD of Arkansas. In answer to the gentleman's question I will say this: That this in no way affects the procedure under existing law, either criminal or civil. If an individual is guilty of violating the Sherman law, he can be indicted independently of this provision; but the series of acts which constitute a violation of the Sherman law are not crimes within themselves under existing law. If we adopt this provision, whenever a corporation is convicted of violation of the Sherman law and the guilt of the corporation is imputed to the individual officers or agents of the corporation, then acts done in furtherance of an unlawful combination become within this provision specifically indictable offenses that are not indictable now; and the result would be that you could indict and convict the officers and agents that were responsible for that violation on a state of facts on which they will go free now, no matter how often you indict them, because those isolated acts are not sufficient in themselves to constitute a violation of the Sherman law.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WEBB. I yield five minutes more to the gentleman.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. RAKER. Under this provision you would have to indict and convict the corporation, and then in the indictment against the individual you would have to allege the fact that the corporation had been indicted and convicted before you could convict the individual personally.

Mr. FLOYD of Arkansas. I do not so interpret it, but I do admit that you would have to show by proof in that trial that the corporation had been guilty of violating the Sherman law, or else prove that it had been indicted and convicted. But I do not admit that you would necessarily have to convict the corporation before you could proceed against the individual; the first burden of proof would be upon the Government, to show that they had violated that law, before the guilt of the corporation could be imputed to the acts of its officers or agents.

Mr. THOMSON of Illinois. Will the gentleman yield?

Mr. FLOYD of Arkansas. Not at this time. I desire to make this point clear. Now, we think this provision very important. We all understand that under the Sherman law, as it is written, there have been no criminal prosecutions of any consequence. Take the extreme position which seems to be entertained by those who oppose this amendment. They would have you believe that before proceeding against individuals you would have to convict first the corporation. What has been lost by the Government in criminal prosecutions if their construction is correct? How many convictions have been had in criminal cases in the 24 years of the existence of that law? The criminal provisions of the Sherman antitrust law have proven a failure in the past, and we are seeking by this provision and by this legislation to strengthen it and reach the men who are really responsible for its violations, and if we can succeed in doing that we will have fewer violations of law, because the men connected with these great corporations do not desire to go to jail and do not desire to be convicted of crimes.

Mr. VOLSTEAD. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. For one question.

Mr. VOLSTEAD. Does the gentleman contend that a person is not guilty under the present law if he authorizes or directs a violation of the law? Is there any question on that proposition?

Mr. FLOYD of Arkansas. I do not know how you can convict him if he has merely authorized and directed it.

Mr. McCOY. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. McCOY. Would the committee accept this as an amendment:

> Any person who, while acting or purporting to act as a director, officer, or agent of a corporation, shall authorize, order, or do any of the acts prohibited by the antitrust laws shall be deemed guilty of a misdemeanor—

And so forth?

Mr. FLOYD of Arkansas. Mr. Chairman, I reserve the balance of my time.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I would like to have the attention of the committee. The chairman of the committee is certainly right in saying that this is a very important matter. Nowhere else in the criminal law, either in State or Nation, is it necessary to convict two entities before one of them can be punished. By the provisions of this section it will be absolutely necessary to convict a corporation of which the individual is a member before you can ever convict any individual. In fact, it will be necessary that the indictment itself shall allege, in order to charge an indictable offense against the individual, that a conviction against the corporation of which the man is a member has been secured before the individual can be even placed on trial. I desire to call the attention of the committee further to this fact, that if you place any corporation on trial and it should be found that the act was not the act of the corporation, but was the act of an individual, ultra vires, without authority, then you would fail in the indictment against the individual, because you could not convict the corporation. The corporation would be acquitted, and you could secure no penalty against the corporation, and then you never could proceed against the individual, because, as a prerequisite to every indictment against an individual, if you adopt the form of amendment which the committee presents, it will be absolutely necessary to convict the corporation. I want to call the attention of the committee, if I can have it for a moment, to a substitute which I would like to have them consider, and this will be the only way, perhaps, to have it considered. It is to strike out all of the section and insert this:

> That in any case where a corporation has been convicted of a violation of any of the acts, matters, or things prohibited or declared to be unlawful in the antitrust laws the said conviction shall not be plead, offered, or received as defensive evidence or held as a prior conviction in a prosecution against any officer, director, agent, or member of such corporation.

I suggest to the committee that it will be necessary that you have some such provision if you intend to prosecute both the corporation and the individual, as I hope you do so intend. The section should contain a provision that the conviction of the corporation should not be held to be a prior conviction of an individual member of it. And then should follow this clause:

> And any officer, director, agent, or member of such corporation, who has authorized, ordered, or knowingly aided and abetted any act, matter, or thing prohibited or declared unlawful in the antitrust laws shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in such antitrust laws.

It is in substance the same as the substitute offered by the gentleman from Minnesota and that suggested just now by the gentleman from New Jersey. I think it is in better form than either of them, and in addition to what they contain is the provision that the conviction of the corporation can not be plead as a prior conviction of any individual member of the corporation. I submit it for the consideration of the committee without much hope of its being adopted, but at least we will have discharged our duty if we try to make the bill what it ought to be.

Mr. BRYAN. Mr. Chairman, I offer this amendment, which I send to the Clerk's desk. I do not ask for time to debate it.

Mr. STAFFORD. Mr. Chairman, a question of order. Is this amendment being offered for information? The gentleman can not get recognition, as the time is in the control of the gentleman from Minnesota and the gentleman from North Carolina.

Mr. BRYAN. I do not want any time.

Mr. STAFFORD. But the gentleman can not offer an amendment unless he gets time.

Mr. BRYAN. Mr. Chairman, the time to offer an amendment is not included in the time that is divided up for debate. I have offered the amendment, and I have already been recognized for that purpose.

Mr. STAFFORD. But I raise the question of order that the gentleman is not entitled to recognition.

Mr. BRYAN. The gentleman is too late.

Mr. MANN. There was an amendment pending.

The CHAIRMAN (Mr. SIMS). The Chair understands there is a substitute amendment pending.

Mr. LENROOT. This amendment is not in order. The amendment is a substitute.

Mr. BRYAN. Well, Mr. Chairman, my amendment had been offered after I was recognized, and I certainly expect it to be reported by the Clerk.

Mr. VOLSTEAD. Mr. Chairman, I want to offer this amendment, to strike out the section and insert——

Mr. BRYAN. Mr. Chairman, I want to make a point of order against any amendment being offered while mine is pending.

Mr. MANN. He moved to strike out the section. That is in order.

Mr. BRYAN. My amendment is a motion to strike out section 12 and substitute therefor what I sent to the desk. That is the proposition.

Mr. MANN. It will not be voted upon until later.

Mr. BRYAN. If it is out of order to read my amendment, it will be out of order to read the gentleman's amendment.

Mr. MANN. The gentleman will have time to offer his amendment.

The CHAIRMAN. The Chair will state that there will be 30 minutes' debate on this section, to be equally divided. The Chair understand that the gentleman from Minnesota [Mr. VOLSTEAD] yields himself time to offer his amendment.

Mr. BRYAN. I simply want my amendment read, Mr. Chairman, and of course I will accomplish that.

The CHAIRMAN. The gentleman from Minnesota [Mr. VOLSTEAD] and the gentleman from North Carolina [Mr. WEBB] control the time.

Mr. VOLSTEAD. Mr. Chairman, I want to oppose this proposition. It is evident there is a disposition on the part of the majority to weaken instead of strengthen the Sherman antitrust law. It would be infinitely better to leave the law as it stands and depend upon the general principles of criminal jurisprudence to apply its provisions to acts of individuals than to add a section such as that which is proposed.

There can be no question but that, under the proposed amendment, it would be necessary first to establish the guilt of a corporation before you could convict an officer; and, besides, there is nothing in this proposed amendment that broadens or in any way strengthens the criminal statute as it stands to-day.

Gentlemen complain that we have not succeeded in convicting men in the years past. That is not true. In a great many instances men have been convicted and punished under the Sherman Antitrust Act. In some instances they have been sent to prison, although as a rule they have not been sent there for any great length of time. Under the law as it stands they can be convicted, and are constantly being indicted and convicted.

Why should we take away the power we have to-day to protect commerce against unlawful restraints and monopolies? That is what you are trying to do. You are trying to place between the Government and these offenders an additional obstacle to conviction of the individual by first requiring the conviction of the corporation. You are asking the Government to prosecute a suit that is absolutely needless and useless in most cases. You can not put a corporation in jail—corporations must be reached under the equity powers of a court. But you are going to insist that before the individual can be punished the Government must waste its money on a criminal conviction of the corporation. This simply means that you are going to let go free the men who restrain commerce and create monopolies—the men who, in my judgment, are doing as much as anybody to increase the cost of living. [Applause.]

The CHAIRMAN. The gentleman from Minnesota [Mr. VOLSTEAD] consumed two minutes.

Mr. WEBB. Mr. Chairman, I yield one minute to the gentleman from New Jersey [Mr. McCOY].

The CHAIRMAN. The gentleman from New Jersey [Mr. McCOY] is recognized for one minute.

Mr. McCOY. Mr. Chairman, I offer the following as a substitute for the committee amendment.

Mr. BRYAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRYAN. Is an amendment in order now, at this time?

Mr. McCOY. I offer my amendment as a substitute.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] yields to the gentleman from New Jersey [Mr. McCOY] one minute. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 12. Any person who while acting or purporting to act as director, officer, or agent of a corporation shall authorize, order, or do any of the acts prohibited by the antitrust laws shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both in the discretion of the court.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry. Do I understand this amendment is being read for information?

The CHAIRMAN. Yes. The gentleman has been yielded time.

Mr. McCOY. Mr. Chairman, this amendment relieves the section from the criticism as it now stands or as the substitute proposes to do—that you must first convict the corporation before you can find any of these officers guilty. It simply provides that when any person acts or purports to act—and that would cover an ultra vires act—does the thing prohibited, he may be convicted. It makes guilt as personal as it can be.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman from Washington [Mr. BRYAN] half a minute.

Mr. BRYAN. Mr. Chairman, I ask that my amendment be read.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] is recognized for one minute.

Mr. BRYAN. Mr. Chairman, I ask that the amendment be read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, strike out all of section 12 and substitute the following: "That any person or corporation that violates any of the provisions of the antitrust laws, or any director, officer, or agent of any corporation that authorizes, orders, or permits to be done any act done by any corporation in violation of the antitrust laws, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or be imprisoned not exceeding one year, or both, in the discretion of the court."

Mr. BRYAN. I think that is almost identical with the amendment offered by the gentleman from New Jersey [Mr. McCOY], but it provides that in order to make the individual guilty he must have advised, permitted, or authorized something to be done that was actually accomplished by the corporation in violation of the law.

Mr. VOLSTEAD. I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for three minutes.

Mr. LENROOT. Mr. Chairman, I believe the committee amendment has been improved upon, but is still open to criticism. I think the amendment of the gentleman from New Jersey [Mr. McCOY] is subject to criticism in this, that the whole thought and purpose has been that where there was guilt upon the part of the corporation any officer, agent, or director responsible in any degree for contributing to that guilt should also be personally guilty. The amendment of the gentleman from New Jersey simply provides that where the officers, agents, or directors shall be guilty of any prohibited act they shall be punished, as I understand it.

Mr. McCOY. Will the gentleman yield?

Mr. LENROOT. I yield to the gentleman from New Jersey.

Mr. McCOY. It provides that any officer, agent, or director who authorizes or commits——

Mr. LENROOT. Any prohibited act.

Mr. McCOY. Any prohibited act.

Mr. LENROOT. That is just the trouble, because the act itself may not be prohibited by the antitrust law, and it takes the illegal combination and the act done in furtherance of it before it becomes a prohibitive act. Therefore we must have guilt on the part of the corporation, because in other cases your antitrust law without this section reaches the individual in every case.

Mr. WEBB. I thought the gentleman was one of those who did not want the necessity of proving guilt on the part of the corporation before we could reach the directors or officers.

Mr. LENROOT. I do not want to be compelled to convict the corporation before you can proceed against the officer, but I do

insist that you must show in your action against the officers that the corporation is guilty, and then that the man you are proceeding against has performed some act that has contributed to the violation by the corporation; and when he has, he ought to be punished.

Mr. WEBB. You can only prove guilt by a conviction.

Mr. LENROOT. Yes, certainly; but you can prove the guilt of the corporation in your proceeding against the individual, or for this purpose you might first prove the guilt of the corporation in an equity action, if your amendment was properly framed to cover that, though, of course, that would not bind the defendant in the criminal action. I shall offer an amendment which, I think, covers the case.

Mr. BARKLEY. Is not the real object of the section that there shall be unlimited power of prosecution, both of individuals and corporations, but the additional power that when the corporation itself is convicted the officers and directors shall also be guilty of the thing which is denounced by the law.

Mr. LENROOT. Not denounced by the law, but where they have contributed in any degree to the violation, although their act, standing alone, might not be a violation.

Mr. BARKLEY. The amendment covers this ground specifically.

Mr. LENROOT. My amendment is to strike out the balance of the section and insert, so that it will provide that whenever the corporation shall violate any of the provisions of the antitrust laws—not leaving it to be determined in a criminal action; it may be determined in an action in equity—such violation shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized or ordered or done any of the acts constituting in whole or in part any such violations. Those acts standing alone might be absolutely innocent, but if they have contributed in whole or in part to the violation by the corporation, then they make the party guilty. Then it goes on——

Mr. WEBB. I understand what the gentleman proposes. May I ask the gentleman from Minnesota [Mr. VOLSTEAD] if he agrees to the amendment of the gentleman from Wisconsin?

Mr. CARLIN. I think that is all right.

Mr. VOLSTEAD. Which amendment?

Mr. WEBB. The Lenroot amendment.

Mr. VOLSTEAD. I do not understand the provisions of it.

Mr. LENROOT. I ask that it be reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amend the committee's substitute by striking out all after the word "corporation" and inserting the following:

"That whenever a corporation shall violate any of the provisions of the antitrust laws, such violation shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting in whole or in part such violation, and shall be deemed a misdemeanor; and upon conviction therefor of any such director, officer, or agent he shall be punished by a fine of not exceeding $5,000 or by imprisonment for not exceeding one year, or by both, in the discretion of the court."

Mr. WEBB. I will ask the gentleman from Minnesota [Mr. VOLSTEAD] if he is satisfied with this amendment?

Mr. VOLSTEAD. I am not able to discover where the difference comes in.

Mr. WEBB. I will ask that the amendment be again read, to see if we can not come to some agreement about it.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. LENROOT. I shall be glad to explain the difference if I can get the time.

Mr. WEBB. I understand the difference, and I think the House does. Mr. Chairman, I think the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] expresses the judgment of the House on both sides; that is, that we wish to make guilt personal; that whenever a corporation violates any of the provisions of the antitrust laws the agents or directors, or those who are responsible for those violations, shall be deemed guilty of a misdemeanor, and fined or imprisoned. Now, I think that is exactly what my friend from Minnesota [Mr. VOLSTEAD] wants done, and we are perfectly willing to accept the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. Does the gentleman from North Carolina withdraw the committee amendment?

Mr. FLOYD of Arkansas. This is an amendment to the committee amendment. I offered the committee amendment, and I accept the amendment of the gentleman from Wisconsin.

Mr. MCKENZIE. Mr. Chairman, I ask unanimous consent that the committee amendment may be read, and then the amendment offered by the gentleman from Wisconsin read in connection therewith, so that we may have an understanding of the whole matter.

Mr. FLOYD of Arkansas. If the gentleman from Illinois will permit, I will state that the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] supersedes the entire amendment that I offered except the first word.

Mr. MANN. I ask for the regular order.

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from Wisconsin.

The Clerk again read the amendment.

The CHAIRMAN. The gentleman from Minnesota has five minutes remaining.

Mr. VOLSTEAD. I will yield two minutes to the gentleman from Wisconsin, in order that he may answer some questions. Does this include all of the gentleman's amendment?

Mr. LENROOT. It does. It is in the form of a substitute.

Mr. VOLSTEAD. What part of the original amendment does the gentleman retain?

Mr. LENROOT. The words "whenever a corporation shall"; that is all that is retained of the original amendment. Then it strikes out all of the balance of the amendment, so that it will read "whenever a corporation shall violate," and so forth.

Mr. WEBB. I hope the gentleman from Minnesota will accept the amendment.

Mr. VOLSTEAD. No, Mr. Chairman; I shall not accept the amendment. This amendment is still open to the same objection that I made to other amendments—that it does not take into consideration the fact that for some offenses under existing law the fine is one sum and for other offenses it is a different sum. This makes a uniform punishment of a fine of $5,000 for every offense. We have some provisions in this bill that provide for a fine of $100 a day. Now, will this mean $5,000 a day? And this amendment does not add a particle to the existing law.

I believe that under the existing law we can reach every offense that could possibly be reached under this provision and a number of others.

In years past we have been able to prosecute and convict people under the antitrust laws. The trouble has not been that we did not have law enough; the trouble has been that jurors did not want to convict and officers did not always want to prosecute. They have had some sympathy for the men who have had the genius to build up these great combinations and their industries. It was not the fault of the law. It was the fault of the men who sat in judgment on the men who committed the offenses.

I am not going to consent to weaken the law. I can not see how you add a single thing to the law; on the other hand, you limit it by expressly providing that an individual is only liable if he authorizes or directs an act to be done. It is a familiar principle of the criminal law that anyone who knowingly aids or assists in doing an illegal act is guilty. You do not have to authorize or direct. Anyone that participates in doing a criminal act is guilty. You require that the offense shall be done in a particular way, and thereby exclude other methods of committing the crime. This is not going to add a single thing to the law; on the other hand, I can see clearly that it is going to weaken it very much. The effect of this amendment is to shield the individual and make the law less drastic than it is to-day. [Applause.]

Mr. MCCOY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN (Mr. SIMS). The gentleman will state it.

Mr. MCCOY. I understand the amendment of the gentleman from Wisconsin as a substitute for the committee amendment has been accepted.

The CHAIRMAN. The Chair understands it is offered as an amendment to the committee amendment.

Mr. MCCOY. And the committee has accepted it.

Mr. LENROOT. It can not be accepted. It has to be voted upon.

Mr. MCCOY. What is the status of the substitute which I offered for the committee amendment?

The CHAIRMAN. The present occupant of the chair understands the gentleman's amendment was simply read in his time for information.

Mr. MCCOY. I got the time in order to offer it as a substitute, and the Clerk so read it.

The CHAIRMAN. The Chair understood that it was offered for information of the committee, to be offered in the regular order at the proper time.

Mr. MCCOY. Assuming that is so, when is the time to offer it?

The CHAIRMAN. The agreement was made before the present occupant took the chair.

Mr. CARLIN. Under the unanimous-consent agreement all the amendments had to be offered. The amendment of the gen-

tleman from New Jersey took its place as a substitute for the amendment which is pending. We have accepted the amendment of the gentleman from Wisconsin.

The CHAIRMAN. That arrangement was made before the present occupant took the chair.

Mr. MANN. There was no agreement about amendments. The agreement was as to debate.

Mr. CARLIN. The agreement was to close debate on the paragraph and all amendments.

Mr. MANN. Yes; but that does not close or shut off amendment. The committee offered an amendment, and the gentleman from Wisconsin offered an amendment to that amendment, and the gentleman from New Jersey offered a substitute to the amendment.

The CHAIRMAN. The Chair understands that the vote will come first on the amendment offered by the gentleman from Wisconsin to the amendment offered by the gentleman from Arkansas. Then the substitute will be voted upon.

Mr. MANN. The vote would come first on the amendment offered by the gentleman from Wisconsin to the committee amendment and then upon the substitute offered by the gentleman from New Jersey and finally upon the amendment as amended, if it should be amended.

The CHAIRMAN. The Chair so understands. The question is on the amendment offered by the gentleman from Wisconsin to the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from New Jersey [Mr. MCCOY] for the amendment offered by the gentleman from Arkansas.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The Chair understands the gentleman from Washington offered a substitute. The question is on the amendment offered by the gentleman from Washington [Mr. BRYAN] in the nature of a substitute.

The question was taken, and the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Arkansas [Mr. FLOYD], a member of the committee, as amended by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment as amended was agreed to.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the proposed amendment which I send to the desk, to section 10 of the bill, may be read; and after it is read, then it is my purpose to prefer a request for unanimous consent to return to section 10 in order that it may be offered.

The CHAIRMAN (Mr. HULL). The gentleman from California asks unanimous consent to return to section 10 in order to offer an amendment. Is there objection?

Mr. MANN. Mr. Chairman, I object. As the Chair states the request, it is to return to section 10.

Mr. RAKER. Mr. Chairman, my proposition is that this proposed amendment be first read, and then, after it is read, it is my purpose to ask unanimous consent to return to the section. I wish the gentleman from Illinois would let me have the amendment read.

Mr. MANN. What is it about? Is it about anything in the section?

Mr. RAKER. Yes; it covers the provisions of the section, and I will ask the gentleman to let me have it read.

The CHAIRMAN. The gentleman from California asks unanimous consent that the amendment be reported for information. Is there objection?

There was no objection.

The Clerk read as follows:

On line 3, page 31, after the word "inhabitant," amend by adding the following words: "or where the principal place of business of such corporation is situated"; and on line 4, page 31, after the word "district,' insert the following words: "where the contract is made or is to be performed or where the obligation or liability arises or the breach occurs or," so that as amended it will read as follows:

"SEC. 10. That any suit, action, or proceeding under the antitrust laws against a corporation may be brought not only in the judicial district whereof it is an inhabitant or where the principal place of business of such corporation is situated, but also in any district where the contract is made or is to be performed or where the obligation or liability arises or the breach occurs, or wherein it may be found or has an agent."

Mr. RAKER. Mr. Chairman, I now ask unanimous consent that the committee return to section 10 for the purpose of considering the amendment

The CHAIRMAN. The gentleman from California asks unanimous consent that the committee return to section 10 in order to consider the amendment just read for information. Is there objection?

Mr. WEBB. Mr. Chairman, I object. I now move that the bill as amended be laid aside under the rule with a favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from North Carolina that the bill as amended be laid aside with a favorable recommendation.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, before that motion is put I desire to call the attention of the chairman of the committee to the fact that there should be a verbal correction made in one of the amendments which was presented and adopted.

Mr. WEBB. Mr. Chairman, that is right; and I ask unanimous consent that the gentleman may be permitted to offer his proposed amendment as amended.

The CHAIRMAN. To which section does the amendment apply?

Mr. WEBB. And I ask unanimous consent that we return to that section for that purpose alone. It is to section 11.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to section 11 to permit the correction of an amendment. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object, let the amendment be reported first.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I will explain to the gentleman that the amendment offered has already been adopted by the committee, but that it was drawn hastily, and there are some verbal corrections necessary.

The CHAIRMAN. Without objection, the Clerk will report the proposed amendment for information.

The Clerk read as follows:

Amendment by Mr. GRAHAM of Pennsylvania:
Page 31, line 9, after the word "district," insert the following:
"*Provided*, That in civil cases no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than 100 miles from the place of holding the same, without the permission of the trial court being first had, upon proper application, and cause shown."

The CHAIRMAN. Is there objection?

Mr. RAKER. Does that limit the distance?

Mr. MANN. The gentleman offered his amendment a while ago, but as adopted it applies to criminal cases.

Mr. RAKER. That may be true; but if it is possible to keep out the question of distance, it ought to be kept out. In my State men have to travel four and five hundred miles in one district.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, if the gentleman will permit, I will explain. It was the thought of districts like the gentleman's that suggested the importance of making this change. I know there are districts in which the extent from one end to the other would be four or five hundred miles, and therefore the limitation of 100 miles which applies with us in the eastern districts would not apply to them, because this amendment now leaves it so that the writ of subpœna runs all through the district, and the limitation is in the language of the old law, that where the witness resides outside of the district he can not be compelled to attend more than 100 miles.

Mr. RAKER. Outside the district?

Mr. GRAHAM of Pennsylvania. Yes; in conformity with the old statute. It is merely a verbal correction to make it conform to the law.

Mr. RAKER. With the amendment proposed by the gentleman, irrespective of what distance might be in the district—200, 300, or 500 miles—the subpœna will run to the outermost limits of that district?

Mr. GRAHAM of Pennsylvania. That is exactly the purpose of that amendment, and it does that.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

Mr. MANN. That is to strike out the amendment that was inserted and insert this amendment in lieu thereof; practically it has to be done by unanimous consent.

Mr. WEBB. This is to be adopted in lieu of the amendment the gentleman offered an hour or so ago?

Mr. MANN. The gentleman asks unanimous consent to modify his amendment and adopt it as read.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his amendment previously adopted by the committee by inserting the amendment just read. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WEBB. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation that it do pass.

The question was taken, and the motion was agreed to.

[Applause.]

ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Chairman, I ask that the Clerk report the next bill to be considered under the rule—H. R. 16586.

The CHAIRMAN. Under the rule, the first reading of the bill H. R. 16586 is dispensed with, and the Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16586) to amend section 20 of an act to regulate commerce.

Mr. ADAMSON. Mr. Chairman, I desire to ask the gentleman from Minnesota [Mr. STEVENS] as to his idea of proceeding with debate at this time.

Mr. STEVENS of Minnesota. Mr. Chairman, I have yielded all of my time, but none of them are ready to proceed right now.

Mr. MANN. It will be the other side of the House to proceed first.

Mr. ADAMSON. The reason I asked the gentleman the question, I will state to the gentleman from Illinois, is unless I look a little further than the end of my nose we might get tangled up to-night. If there is no speaker to proceed, we would just as well give direction to the session at this time and have an understanding.

Mr. MANN. I will ask the gentleman if it would not have the same effect if we would hold a night session and if no speakers are ready to proceed, we will use up three hours of debate in that way?

Mr. ADAMSON. Well, if the gentleman from Minnesota is willing to cancel out that much of his time I will put in an hour to-night.

Mr. MANN. I am not referring to the speakers of the gentleman from Minnesota; they would give us real meat.

Mr. ADAMSON. Mr. Chairman, it is well that gentlemen should compliment themselves, otherwise they might go without compliments. It is better to wait until the feast is served before discussing the quality of the viands. I will state, Mr. Chairman, if it is the pleasure of the committee to rise at this time I have one speaker who can consume an hour to-night; and if the other side will use an hour, that will enable us to finish general debate on Thursday.

Mr. STEVENS of Minnesota. I may be able to find some one this evening; but this is a very important section, and the speakers who will address the House from this side of the House deserve a quorum, because they will discuss the merits of the proposition.

Mr. ADAMSON. If the gentleman is going to get lonesome and require the presence of a quorum, he might just as well say so.

Mr. STEVENS of Minnesota. I think under the circumstances this evening we shall insist on a quorum.

Mr. ADAMSON. I call attention to the fact that if we consume the entire 10 hours allowed for debate we could not finish general debate on Thursday, unless we consume some time this evening, and I shall move that the committee rise; but I can use an hour to-night, and I hope the gentleman can use enough time so that we can finish the general debate on Thursday.

Mr. MURDOCK. Rise until when?

Mr. ADAMSON. I do not suppose that the gentleman from Minnesota apprehends that he will be lonesome in the daytime; it is at night that he fears he will be lonesome.

Mr. STEVENS of Minnesota. Mr. Chairman, the rule covers the mode of procedure, and we are willing to abide by the rule. But if the speakers on this side of the House to whom I have yielded time should not be present, I wish to give notice that I shall want to protect those to whom I have yielded time.

Mr. ADAMSON. If gentlemen will return to-night for a short service and tell all the folks that they will hear one good speech, I shall have an hour occupied [laughter]; and I move that the committee do now rise.

The CHAIRMAN. The gentleman from Georgia moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16586) to amend section 20 of the act to regulate commerce and other bills under the special order of the House and had come to no resolution thereon.

REPRINT OF THE CLAYTON ANTITRUST ACT.

Mr. MANN. Mr. Speaker, I ask unanimous consent, or suggest to the gentleman from North Carolina [Mr. WEBB] that he ask unanimous consent, to have the antitrust bill that was just laid aside and favorably reported reprinted as it has been amended by the committee.

Mr. WEBB. I make that request, Mr. Speaker. I think it is a good suggestion.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent to have a reprint made of the antitrust bill as agreed to in committee. Is there objection? Were any amendments adopted to it?

Mr. MANN. Yes; a number of them; but the reprint should not show that they are amendments. I think the whole thing, being a committee amendment, should be printed as agreed to in the committee.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2860. An act providing a temporary method of conducting the nomination and election of United States Senators.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request.

The Clerk read as follows:

WASHINGTON, D. C., *June 2, 1914.*

To the Speaker and Members of the House of Representatives:

I respectfully ask leave of absence from attendance at the House of Representatives for an indefinite period on account of the meeting of the Japanese-American group of the Interparliamentary Union at Tokyo and the Interparliamentary Union at Stockholm, both of which I desire to attend as a delegate of the American group.

Respectfully,

W. D. B. AINEY.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

CHANGE OF REFERENCE.

Mr. GREENE of Vermont. I ask unanimous consent that the Committee on Invalid Pensions be discharged from the consideration of the bill (H. R. 16966) granting a pension to Joseph E. La Rocque, and that the bill be referred to the Committee on Pensions.

The SPEAKER. Is there objection to the request of the gentleman from Vermont? [After a pause.] The Chair hears none, and the change of reference will be made.

SPEAKER PRO TEMPORE FOR NIGHT SESSION.

The SPEAKER. The Chair designates Mr. RAKER, of California, to act as Speaker pro tempore to-night.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I desire to call up a couple of conference reports on Senate bills.

The SPEAKER. The Clerk will read the first conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 711).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4168, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2.

That the House recede from its amendments numbered 1 and 3, and agree to the same.

Amendment numbered 4:

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20"; and the House agree to the same.

J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

Mr. MANN. Mr. Speaker, that is no conference report. It says—

That the House recede from its amendments numbered 1 and 3, and agree to the same.

Mr. KEY of Ohio. The Clerk of the Senate committee prepared the report. It is not from our committee, anyway. It is the wrong report.

Mr. MANN. I think the gentleman had better not try to pass that to-night.

The SPEAKER. You can not amend a conference report in the House. The only thing to do is to withdraw it.

Mr. KEY of Ohio. I will ask to withdraw the conference report, and will have it sent back to the Senate to be fixed up.

RECESS.

Mr. ADAMSON. Mr. Speaker, I move that the House take a recess until 8 o'clock this evening.

The SPEAKER. The gentleman from Georgia moves that the House take a recess until 8 o'clock to-night.

The motion was agreed to.

Accordingly (at 4 o'clock and 52 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order by Mr. RAKER as Speaker pro tempore.

REGULATION OF RAILWAY STOCKS AND BONDS.

The SPEAKER pro tempore. The House will automatically under the rule resolve itself into Committee of the Whole House on the state of the Union, with the gentleman from Tennessee [Mr. HULL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16586) to amend section 20 of an act to regulate commerce.

Mr. ADAMSON. Mr. Chairman——

Mr. GARNER. Mr. Chairman, will the gentleman from Georgia yield? I would like to suggest the absence of a quorum in order that the bells might be rung to notify Members that the committee is in session for the discussion of a very important measure to-night.

Mr. ADAMSON. I am surprised that my genial friend from Texas suggests ringing the bell instead of ordering the sheriff to call in the people from the public square as he does at home when he wants them to hear him speak. [Laughter.]

Mr. GARNER. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum, and the Chair will count.

Mr. GARNER. Mr. Chairman, I withdraw the point of no quorum.

Mr. ADAMSON. Mr. Chairman, I take pleasure in yielding to the distinguished gentleman from Texas the author of the bill [Mr. RAYBURN], who although a young Member is old in wisdom and accomplishment. I yield him such part of the five hours allotted to me as he may see proper to use.

Mr. RAYBURN. Mr. Chairman, much has been said in recent years about the proposition of securities of railway corporations. Much has been printed, much has been said in Congress and out of Congress upon this question, and it has reached the stage when national parties have taken cognizance of it and have placed some provisions in their platforms on this question.

Your Committee on Interstate and Foreign Commerce considered it of enough importance to report the bill that is now under consideration. We had before that committee many distinguished witnesses, men of broad experience in affairs of this kind—the attorneys of railway corporations and the members of the Interstate Commerce Commission, and men of that character and that type.

I do not believe that there was a man who appeared before the committee who did not recommend in some way that Congress take some steps for the control and the regulation of the issue of stocks and bonds by railway corporations. It is true that some went much further than others; some believed that publicity alone, carried through the proper channels by the Interstate Commerce Commission, would be all that was needed to cure these evils. Others as distinguished and as well known in the country believed that we should not only enact further and greater publicity provisions into law, but that the Congress should go far enough to lodge in somebody—and, of course, it was the general consensus of opinion that it should be lodged in the Interstate Commerce Commission—the power of veto. In other words, that we may have the right to say whether or not under a given state of facts the railroad corporation should have the right to issue stocks and bonds. Along this line we have worked in this bill, both along the publicity line and along the line of giving the Interstate Commerce Commission the veto power over the application for the issue of stocks and bonds by railroads engaged in interstate commerce.

This bill contains three provisions which we deem necessary at this time, or a majority of the committee deem necessary at this time, for the protection of the public in the proposition of railway regulation:

First. Greater publicity in financial transactions of railway corporations.

Second. Making it unlawful for railway corporations to issue stocks and bonds or other evidence of indebtedness except for certain specified purposes, and that they shall not be issued for those specified purposes until previous approval by the Interstate Commerce Commission shall have been had.

Third. That two years after the passage of this act it shall be unlawful for any person to hold the position of director or officer in more than one railroad which is engaged in interstate commerce and subject to the act to regulate commerce, and provides, further, that it shall be unlawful for any president, vice president, chairman of board of directors, director, or directorates of any such carrier to appropriate, pay, or receive as salary or dividends any money resulting from the sale of stocks and bonds.

Mr. Chairman, some people are going to criticize the form and not the substance of this bill, while others are going to criticize the substance and not the form. Some will say that it is not proper legislation to incorporate in section 20 of the act to regulate commerce. It shall be my purpose in taking up this bill to discuss it under the three subheads enumerated to show that these provisions are proper matter into which to expand section 20. Section 20 of the act to regulate commerce deals almost wholly with the subject of publicity of the actions of common carriers with respect to their dealings with the public. The Hadley Commission, appointed under act of Congress in 1910, and composed of a body of men of high character and established reputation along this line, went into an investigation of railroad securities with the purpose of recommending to Congress some legislation along this line. The report of the Hadley Commission deals wholly with the subject of publicity of securities of common carriers. This I believe brings the bill absolutely as a proper amendment to section 20 of the act to regulate commerce. Section 20 of the act to regulate commerce, which provides that railroad corporations shall make annual reports and such special reports as the Interstate Commerce Commission may direct, and says that the commission shall have at all times access to all accounts, records, and memoranda kept by such carrier, is reenacted. In fact, the whole of section 20 as it now stands is reenacted with the additions in this bill. But this bill goes further and uses the following language, following up that just stated: "Correspondence and other documents and papers, regardless of the dates thereof." In the past much has been covered up in the correspondence and papers of the carriers which could not be made accessible under the old law. Believing that this was a defect, and a vital one, we have added that as part of the existing law. You will also note that the bill provides that this correspondence and these documents and papers shall be accessible to the commission, regardless of the dates thereof. The reason of this language may be made clear by quoting from the statement of Commissioner Clark before the Committee on Interstate and Foreign Commerce, as follows:

> A situation has grown up since our annual report was submitted to Congress and under which the railroads take the position that the provisions of section 20 have no application to any books, records, memoranda, etc., which are older than the effective date of the so-called Hepburn Act. In other words, that under section 20 we can go back through all of these records—except that they have challenged our right to go into the correspondence—to August 28, 1910, but beyond that is a sealed book. If this was so, if the law is permanently so considered, it means that a great deal of the vitality shall have been sapped.

This was in the celebrated Louisville & Nashville case, in which the Interstate Commerce Commission was acting in response to a resolution of the Senate. The case is now held up for final adjudication in the courts, and the commission can do no more until the court has passed on the question, and then can do nothing if the court should hold that it is beyond the power of the commission to look into this matter.

From this statement from a member of the Interstate Commerce Commission you can readily see the absolute necessity for the bill's provision making these papers, documents, correspondence available regardless of their date. In our determination to get full information in regard to the business transactions of the carriers, we did not stop with this, but went much further, as will be seen from the following language used in connection with the power of the commission to employ special agents or examiners who shall have authority, under orders of the commission, to inspect and examine into all such records, documents, accounts, and memoranda, and then we add, "and also the books, papers, correspondence of carriers, construction or other companies, or of firms or individuals, with which a carrier shall have had financial transactions."

We believe this is a proper authority to give the commission, and further believe that it is absolutely a necessary power to give it in order that it may surround itself with all of the facts regarding financial transactions of these railroads in order that they may be able at all times from this great fund of information at hand to deal with all applications of railroads in the matter of rates and regulation otherwise.

I believe, Mr. Chairman, that the transportation business of the country should be divorced as nearly as possible from all entangling alliances with other business. The Congress in the past has taken some steps along this line, and I believe that the time is ripe when other and further steps should be taken, and I believe that before long you will find coming from your Committee on Interstate and Foreign Commerce bills to carry out this thought.

Mr. Chairman, much has been said about the power and sufficiency of publicity. Some have spoken of it in a very derogatory manner; others seem to think that in publicity alone may be found the panacea for all of the evils that afflict us. I do not join in the sentiment of the first class at all, nor do I agree in toto with the latter. But I do believe that when the white light of publicity is thrown upon the business transactions and associations of men it will be one of the great factors in causing men to cease doing many of the reprehensible and unwise things that they are now doing. I do not join in the great chorus going up from the pessimists of this country in which they seek to convey the idea that the world is getting worse instead of better, and that men are less amenable to publicity to-day than they were in former times. There is no decent man but that desires to be respected by his fellow man, and when he is engaging in practices that he knows will be condemned by all right-thinking and right-acting people if it were known, I believe that that man will be deterred to a great extent from engaging in these practices. We go further than these provisions just suggested and we say that the Interstate Commerce Commission may in its discretion call upon the railroad companies to make public to their shareholders such information as the commission desires and in such form as the commission may direct. A great wrong has been practiced along this line by those higher up in authority in these carrier corporations by keeping the men who hold the shares of stock, and who are vitally interested in the business of the companies, absolutely in the dark as to the financial transactions in which they have an interest. I believe that when that part of this bill becomes a law it will be a great boon to the small investor in railways in this country. In other words, Mr. Chairman, I believe that it takes this, added to the other provisions requiring publicity in this bill, to round it out and make it what it should be along the lines of publicity. Remembering what was said in the beginning, that section 20 deals with the power of the Interstate Commerce Commission to call for facts concerning the financial transactions of railroads, and taking into consideration the amendments to the existing law that I have discussed, I say that I believe this is a proper amendment to section 20 of the act to regulate commerce. And to further justify the position that we have taken upon this publicity proposition in this bill, I quote from section 6 of the recommendation of the Hadley Commission as follows:

> Upon the whole, your commission believes the accurate knowledge of the facts concerning the issues of securities and the expenditures of their proceeds is a matter of utmost importance. It is the one thing on which the Federal Government can effectively insist to-day; it is the fundamental thing which must serve as a basis for whatever additional regulation may be desirable in the future.

I believe in toto in that statement, and I believe that when we have built up this great line of publicity as suggested in this bill, if it alone were put into this bill, it would be a great boon to the country, and its beneficent results would be felt throughout the country, especially among the people who are dealing with the railroads and who are engaged or in any way connected with the securities of railroad corporations.

APPROVAL BEFORE ISSUE.

I now come to the second part of the amendment to section 20, that of the control of the issues of stocks and bonds and other securities of railroads and the approval of the Interstate Commerce Commission before any issues of stocks and bonds or other evidences of indebtedness may be made. Much has been said of late years concerning, and much proper criticism has come from the public in regard to, the overissue of stocks and bonds and overcapitalization of railroads, and many abuses along this line have brought us to believe that legislation along this line is absolutely necessary at this time. Commissioner Clements in his testimony before the Committee on Interstate and Foreign Commerce substantially says:

> I have believed for a good many years that there ought to be some regulation, at least to the extent of restricting and limiting the power of corporations engaged in interstate commerce to issue stocks and bonds. This condition has been a matter of growth in my own mind and judgment. I have always been rather inclined to the general theory of as little regulation as was necessary as being better than to have any that is superfluous.

Mr. KINDEL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RAYBURN. Yes.

Mr. KINDEL. The gentleman having invited us to ask him any questions, I would like to ask if, in the gentleman's opinion, these stocks and bonds have anything to do with the classification of freight rates, express rates, and parcel-post rates?

Mr. RAYBURN. It certainly does, and I am going to come to that; capitalization certainly is a great factor in the determination of freight rates.

Mr. KINDEL. Exactly; I wanted to know how the gentleman bases that as having anything to do with the question of rates.

Mr. RAYBURN. I am coming to that, and I think I can demonstrate easily to every one to whom it is possible to demonstrate anything that the proposition of the capitalization of a railroad is not the all-determining factor in making rates and promulgating tariffs, but it is one of the great determining features in it.

Mr. KINDEL. The same authorities the gentleman just quoted—Clark and Clements—are the ones who have established the express rates, and these same authorities are responsible for the parcel-post rates, which are 200 per cent higher than the express rates in our section of the country——

Mr. RAYBURN. If the Interstate Commerce Commission has made a mistake——

Mr. KINDEL. A mistake?

Mr. RAYBURN (continuing). I am not standing for them; I am not an apologist for them along any line.

Mr. KINDEL. I want to arrive at the benefit we are going to receive from this.

Mr. GARNER. The gentleman will come to that in a moment.

Mr. RAYBURN. I desire to say I will endeavor to answer any pertinent question, but the proposition of the parcel-post rates is not a pertinent question to this proposition.

Mr. ADAMSON. If the gentleman will permit a suggestion from his colleague——

Mr. RAYBURN. Yes; certainly.

Mr. ADAMSON. I would ask if it is not a pertinent place to remind all anxious inquirers that the control of the overissne of stocks and bonds might prevent speculators and wreckers from rendering the carriers unable to discharge their duties at all? [Applause.]

Mr. RAYBURN. That is exactly what we are driving at in this bill; that is, to have a house cleaning among the railroads of this country that they may not overload themselves with unnecessary and spurious securities that will incapacitate them from performing their functions as public carriers in this country. [Applause.]

Mr. KINDEL. Will the gentleman permit another question?

Mr. RAYBURN. Yes.

Mr. KINDEL. If it is true that we ought to have a house cleaning, get rid of things, had we not better start at the Post Office Department?

Mr. RAYBURN. My dear sir, there are lots of things down at the Post Office Department that I would like to clean out, but I am not going to put them in this bill. [Laughter.]

Mr. KINDEL. I want to see whether the Interstate Commerce Commission in the same breath will make a rate 200 per cent higher than for the express.

Mr. ADAMSON. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Georgia?

Mr. RAYBURN. Yes. I always yield cheerfully to the chairman.

Mr. ADAMSON. I suggest to the gentleman that, in view of the laborious character of the work of our committee, it is wise to postpone, until after we dispose of pressing affairs, the Post Office affairs, the study of astronomy, and the jurisdiction of all other committees. [Laughter.]

Mr. RAYBURN. That has been the purpose of our committee. That is the reason why we work so harmoniously among ourselves, and that is the reason why we work so harmoniously in the House. We seek to attend to the matters that properly come before that committee, and do not invade the jurisdiction of other committees of this House.

Now, continuing, Commissioner Clements said:

> But experience and observation have convinced me that there should be some regulation at the base as well as at the top of this matter of common-carrier organization and operation.

You will see from this statement—and I believe that it is concurred in by a majority of the Interstate Commerce Com-

mission—that they believe some steps along the line of Federal control of the issues of securities engaged in interstate commerce is absolutely necessary and imperative; and being in harmony with this law, your committee has added another paragraph to section 20 to regulate commerce, which says that it shall be unlawful for any common carrier subject to the act to regulate commerce to issue any capital stock or certificate of stock of any bond or other evidence of indebtedness or assume any other obligation or become the lessor of any other railroad——

Mr. ANDERSON. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Minnesota?

Mr. RAYBURN. Yes; but let me get to a period always.

Mr. ANDERSON. Finish the sentence.

Mr. RAYBURN. It is several lines long.

Mr. ANDERSON. I merely wanted to ask the gentleman whether that section referred to new stock issues or would permit the refunding of outstanding obligations?

Mr. RAYBURN. I am just coming to that—what we consider as necessary purposes. It shall be unlawful for any common carrier to become the lessor of any other railroad, or the guarantor or surety for the securities of any other person, natural or artificial, even though permitted by the authority creating the carrier corporation, except for some purpose necessary to the proper performance of its service for the public and not tending to impair the financial ability of the carrier to discharge its duty to the public, and goes on to say that extensions and improvements of its railroads and terminals in connection therewith, increasing and improving the equipment, refunding and retiring existing bonds, and similar and kindred purposes, shall be held to be necessary purposes in the meaning of this law.

Does that answer the gentleman's question?

Mr. ANDERSON. I think it does.

Mr. RAYBURN. Then we say that it shall be unlawful for any railroad corporation to issue any such stocks and bonds hereinbefore mentioned or for any purpose connected with or relating to that part of the business of the carrier covered by the act to regulate commerce unless and until the Interstate Commerce Commission shall have approved the purposes of the issue and the proceeds thereof. Then we add another provision, which we believe is wise under all of the circumstances, which says that the provisions of this paragraph shall not apply to notes issued by a carrier maturing not more than two years from the dates thereof.

Mr. BARTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Nebraska?

Mr. RAYBURN. Yes.

Mr. BARTON. Are we to understand from that statement that if a company wanted to issue stocks or bonds they would have to lay that proposition before the commission before they could fix upon the number of bonds?

Mr. RAYBURN. No. As I understand railroad operations, those in charge meet and authorize an issue of stock and bonds. Of course they go upon the market when that is done, and they sell them. Under this provision, when they meet and approve an issue of stock or bonds, before they can finally issue them they must come before the Interstate Commerce Commission and show the reason for the issue, and also lay before the Interstate Commerce Commission all the facts as to what they intend to do with the proceeds thereof, and so forth.

Mr. BARTON. They are required to make a showing as to what they will do with the proceeds?

Mr. RAYBURN. Yes. They must show the Interstate Commerce Commission that it is for a necessary purpose, and the necessary purpose is contained in one of the enumerated provisions that I have just read.

By the unbridled and unregulated system in the past of the railroads of the country loading themselves down with unnecessary and inappropriate issues of stocks and bonds I believe that the railroad companies have placed themselves in a position where they have not been able to perform their duties to the public. I do not say that capitalization is the all-controlling factor in the making of rates, but I do say that it is one of the great determining factors in making and promulgating railroad tariffs. When a railroad company is allowed to unnecessarily load itself down with spurious securities of one kind and another every thoughtful man will agree that the ability of the carrier to perform its functions is impaired. The present deplorable condition of the railroads of this country is but an echo of bad management upon the part of the railway officials.

Mr. SUMNERS. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. RAYBURN. Yes; I yield.

Mr. SUMNERS. On what ground does your committee exempt the issuance of two-year notes?

Mr. RAYBURN. The first provision in this bill, until it was finally thrashed out by the committee, when I first drew it, provided that they might issue stock and securities running for one year without having the previous permission of the Interstate Commerce Commission. The committee took it up, and after much consideration we decided that two years would probably be better. We thought that for little running expenses and matters like that it was not necessary for a railroad company, in order to do right by the public, to come before the Interstate Commerce Commission and wait for their approval of a bond issue, or an issue of any kind of securities running a short time, in order that they could better carry on their business.

Mr. ADAMSON. Right there, will the gentleman explain under that provision——

The CHAIRMAN. Does the gentleman yield?

Mr. RAYBURN. Yes.

Mr. ADAMSON. That these current notes ought to be limited to a small proportion of the outstanding liabilities?

Mr. RAYBURN. Yes; and these notes and securities for the issuance of which they do not have to have the approval of the Interstate Commerce Commission before they are issued can never at any time exceed 5 per cent of the existing stock and bonds of the railroad company.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Iowa?

Mr. RAYBURN. Yes.

Mr. GREEN of Iowa. Under the provisions of your bill would it be permissible for one railroad to buy the stock of a connecting line so as to get control thereof? For instance, could a railroad running east of Kansas City buy stocks from a railroad running beyond Kansas City in order to get control of it?

Mr. RAYBURN. I do not think it would be prohibited by the bill.

As I just said a moment ago, they can issue stocks and bonds for that purpose, and, of course, it is presumed that they could buy and extend their lines, because that is construed in this bill as one of the necessary purposes for the extension and improvement of the line.

Mr. GREEN of Iowa. I did not mean the buying of the line itself, but control of the stock.

Mr. SIMS. There would be no difference between getting it in one way or the other.

Mr. RAYBURN. I think it would be permissible. They are before the Interstate Commerce Commission at this very hour clamoring for a 5 per cent increase in freight rates all over the country, and they are very able, considering their spurious securities, to make such a showing that under the present rates allowed by the Interstate Commerce Commission it amounts to almost confiscation. I do not presume to speak for the Interstate Commerce Commission, nor do I know what they are going to do with the pending application of the railroads for this increase, but I do venture this assertion, that if the Interstate Commerce Commission, after a full, fair hearing and complete investigation, finds that it is their duty to grant this increase in the rates it will be almost wholly on account of the railroads in the past being able to do an almost unbridled wildcat business in overloading themselves with spurious and unnecessary obligations. I believe that this is a vicious habit, and has already been condemned by every thoughtful and patriotic man, and one that ought to be stopped, and stopped now. Nobody will deny that in many instances the railroad companies of the country are in a bad shape financially, and that their ability to perform their functions and to fulfill their obligations to the public are impaired to the fullest and most ridiculous extent. I believe that this bill when enacted it to a law will have the effect of a house cleaning among railroad corporations of the country and, under the administration of this beneficent provision, that the railroads of the country will not again be found in the condition in which they are to-day.

In this bill we provide against any railroad becoming the lessor of another railroad or the guarantor or surety for the security of any other corporation.

Mr. QUIN. Will the provisions of this bill prevent the railroad corporations from being looted and plundered, like the New York, New Haven & Hartford?

Mr. RAYBURN. That is exactly one of the things we are driving at. If there had been absolute publicity in all the transactions of the railroad in new issues of stocks and bonds and other securities; if they had been compelled to come before the Interstate Commerce Commission and lay down before them the reasons upon which they made their application, and if these issues had been required to be approved before it would have been possible for the railroad company to have made the issue, we do not believe it could have been done.

Mr. BAILEY. Assuming that the Interstate Commerce Commission shall grant this 5 per cent increase in rates, is it not reasonably certain that the railroad companies will capitalize on that increased earning power? That is what they have done heretofore.

Mr. RAYBURN. We are having a revaluation of the railroads now.

Mr. BAILEY. Is there anything in this bill to prevent their recapitalizing on that increased earning power?

Mr. RAYBURN. I can not conceive that they will capitalize that increase.

Mr. BAILEY. They have always done it.

Mr. RAYBURN. I do not think they will do that under the provisions of this bill.

Mr. CANTOR. That can not be done except with the consent of the Interstate Commerce Commission, anyhow.

Mr. RAYBURN. No; and I do not think it will be done under this bill.

Mr. CULLOP. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. CULLOP. I will say to the gentleman from Pennsylvania [Mr. BAILEY] that they could not increase their loans or bonds to any extent without first filing a petition with the Interstate Commerce Commission, specifying for what the expenditure shall be made; and if the petition is granted by the Interstate Commerce Commission and the bonds and stocks are sold, they must report to the commission the disposition of the proceeds of the sale, so that the commission will know that the purpose for which the loan was made has been accomplished. That is the purpose of this bill.

Mr. BAILEY. Will this bill prevent an increase of capitalization?

Mr. CULLOP. The Interstate Commerce Commission must first grant the permission, and it has the right to refuse it.

Mr. BAILEY. They will have increased earning power.

Mr. ADAMSON. I will ask the gentleman from Texas [Mr. RAYBURN], the author of this bill, if this bill will not, in his opinion, if enacted into law, prevent all future issues of stocks and bonds to be paid for in water or wind?

Mr. RAYBURN. That is one of the purposes of the bill, and that is our intention in presenting the bill.

Mr. McKENZIE. I would like to ask the gentleman from Texas this question: In case a railroad company should make a good showing to the Interstate Commerce Commission, would the Interstate Commerce Commission under this bill have the arbitrary right to absolutely refuse to permit them to issue bonds?

Mr. RAYBURN. I think that would be a question that they could take into the courts if it was for an absolutely necessary purpose. I do not think the Interstate Commerce Commission could arbitrarily put up their decision as final. It would be like the question of rates. The railroad companies have the right to appeal to the courts, and I think they would have a right to appeal from this decision of the Interstate Commerce Commission.

Mr. McKENZIE. Is it not one of the main purposes of this bill to give stability and value to railroad stocks and bonds for the protection of the men and women who invest their money in these stocks and bonds in good faith, so that the rate to be charged by the railroads is not the only material fact in the bill?

Mr. RAYBURN. It is not; but the gentleman's question answers itself and answers it much better than I can, and I thank him for it.

I believe, Mr. Chairman, that this is one of the most salient provisions in this bill. Many times railroad companies themselves do a great business, the proceeds of which would be sufficient to make the property a paying investment, but by becoming the lessor of unprofitable railroads, or by becoming the guarantor or surety of some other corporation, are themselves milked of all of the proceeds of this paying corporation, and it redounds to the great detriment of the small stockholder in the parent company. To my mind this is one of the vicious practices, and one that long ago should have been prohibited by law. Under this law when a railroad company comes before the Interstate Commerce Commission asking the right to make an issue of stocks and bonds they must prove absolutely to that commission, first, that this issue is for a necessary purpose; and, second, they are compelled by the commission to make known the purposes for which the proceeds of this issue are to be applied, following up the first amendment to section 20 on publicity.

Many people doubt the power of Congress along this line. I for one do not. I believe that Congress has the power under the Constitution to enter this field, for under the commerce clause of the Constitution the Federal Government has the power of the regulation of interstate commerce, and following that we are brought to the necessity of concluding that Congress has the power over all matters that affect the carrier in trying to carry out its contracts with the public to do an interstate business. There is no proposition better settled in law than that when the Federal Government has the right to enter a field of legislation, and does enter that field, it then occupies it exclusively.

Many people have spoken to me and said that the celebrated case of the Louisville & Nashville Railroad against Kentucky was a case in point to prove that the Interstate Commerce Commission did not have the power and authority to enter this field. Now, I want to quote from that case the most salient provision and the one bearing upon this point which these gentlemen pin their faith to—that this will be an unconstitutional bill on account of the Interstate Commerce Commission not having this power which it is sought to be conferred by Congress:

> It is plain that the provision in question does not in terms embrace the case of interstate traffic. It is restricted in its regulation to those who own or operate a railroad within the State, and the long and short distances mentioned are evidently distances upon the railroad line within the State. The particular case before us is one involving only the transportation of coal from one point in the State of Kentucky to another by a corporation of that State. It may be that the enforcement of the State regulation forbidding discrimination in rates in the case of articles of a like kind carried for different distances over the same line may somewhat affect commerce generally; but we have frequently held that such a result is too remote and indirect to be regarded as an interference with interstate commerce; that the interference with the commercial power of the General Government to be unlawful must be direct, and not the merely incidental effect of enforcing the police powers of a State. (183 U. S., pp. 518, 519.)

That is the provision upon which several gentlemen hinge their faith that Congress does not have the power to enter this field. That proposition does not touch the one concerning the power of Congress to regulate interstate-commerce transactions or interstate-commerce business. It simply says that when products or commodities are shipped from one part of the State to another it does not come within the commerce clause of the Constitution of the United States, and that it does not affect its ability to do interstate commerce; and if it does affect it in any way, it is too remote for the court to take cognizance of it as an interstate transaction.

Now, I want to read a brief extract from another opinion, an opinion by Chief Justice Marshall in the case of McCollough against Maryland, as follows:

> While our Government must be acknowledged by all to be one of enumerated powers, the Constitution does not attempt to set forth all means by which such powers may be carried into execution. It leaves Congress large discretion as to the means that may be employed in executing a given power. The sound construction of the Constitution, this court has said, "must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

That same thought, in slightly different phrase, has been repeated by the Supreme Court of the United States as late as Two hundred and nineteenth United States. I read a brief extract from its opinion in the case of the Atlantic Coast Line Railroad *v.* Riverside Mills (219 U. S., 203), as follows:

> Having the express power to make rules for the conduct of commerce among the States, the range of congressional discretion as to the regulation best adapted to remedy a practice found inefficient or hurtful is a wide one. If the regulating act be one directly applicable to such commerce, not obnoxious to any other provision of the Constitution, and reasonably adapted to the purpose and the rule provided, the question of power is foreclosed.

I believe that under that ruling of Chief Justice Marshall, not dissented from, and brought down through an unbroken line of decisions in our Federal courts, it is absolutely certain that Congress has the power to enter this field of legislation, and the question of the constitutionality of this act is foreclosed.

We all know that capitalization, as said before, is one of the determining factors in the making of rates, and is also brought in evidence in the rate hearings; and I believe that the Government has the right to say whether or not this evidence shall be fictitious. Knowing that the Interstate Commerce Commission ought to have full information regarding any carrier making application to it for approval of any issue of stocks and bonds,

I believe that this provision with reference to stocks and bonds is a proper amendment to section 20 to regulate commerce, for in the sixth and last recommendation of the Hadley Commission it is said substantially that the commission shall have full and accurate knowledge concerning the securities of railroad companies as a basis for further legislation on the question; and this is further legislation on the question. It, therefore, would seem silly to me for a man to say that this is not a proper amendment to section 20 of the act to regulate commerce.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. ANDERSON. The gentleman has stated that stock and bond issues have much to do with the fixing of the rates. In the last Congress we passed a bill authorizing and directing the Interstate Commerce Commission to make a physical valuation of the property of the railroads. I understood at that time, and many of us believed, that the physical valuation should be the basis of rate making. This bill authorizes the commission to O. K. a stock and bond issue. The question in my mind is this: If the commission O. K's a stock and bond issue, as a practical proposition, will it not be obliged to permit the railroad company to earn a reasonable dividend on those stocks and bonds and thus practically nullify the value of the physical valuation?

Mr. RAYBURN. Mr. Chairman, I do not think so, because I believe that we are finally coming to the proposition in this country that rates will be almost wholly fixed upon value, but I believe that at the present time—and I believe it will run on—the capitalization proposition will be taken to a great extent as value, and will be brought as it is now by attorneys of railway corporations into hearings on this question.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SIMS. The bill itself provides that the Government shall not be bound by this approval of stock and bond issues.

Mr. ANDERSON. I understand the bill provides the Government shall not guarantee the revenue or dividend on any stocks or bonds which the commission may O. K., but as a practical proposition, when the commission has said to the railway companies, "You may issue bonds and stocks to a certain amount," it practically finds that there is a value somewhere which warrants the issue of those stocks and bonds, but in substance it says to the investor that the Government will permit the railway company to make a reasonable dividend on the stocks and bonds which it authorizes to be issued. I do not see any escape from that proposition.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. McKENZIE. Is it not a fact that the proposition suggested by the gentleman from Minnesota [Mr. ANDERSON] would only apply in case of a noncompeting line? For example, there are three main lines extending from Chicago to St. Louis—the Illinois Central, the Chicago & Alton, and the Wabash. One of those might be capitalized for twice as much as the other and yet the rates would of necessity be the same. Therefore the physical valuation would cut no figure, in my judgment.

INTERLOCKING DIRECTORATES.

Mr. RAYBURN. The third and last of the former enumerated provisions of this bill provides, substantially, that two years from the passage of this act no person shall be an officer or director in more than one corporation subject to the act to regulate commerce, unless it has the approval of the Interstate Commerce Commission.

Mr. Chairman, I believe that the interlocking of directorates of great corporations of this country has been one of the greatest of the evil tendencies of the times. [Applause.] We have instances on record where one man will be president of many corporations. In some of them he will have a small amount of stock; others in which he will have, in many instances, a controlling interest in the corporation. These corporations buy from and sell to each other. It is as natural for a man who controls these corporations to work for the interest of the one in which he has the greatest pecuniary interest as it is for water to flow downhill.

Coming to the question directly under consideration, do you believe that it is safe to the country and its institutions for one man to be president or to sit upon the board of many railway corporations? The same doctrine just announced in regard to other corporations in general will apply in equal force with regard to railroads. It may be said by some that it is sufficient to say that the interlocking of directorates of competing corporations shall be stopped. But do you know that one of the hardest problems to solve with reference to any business is whether or not railroads are really competing lines?

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HARRISON. In that section I notice an exception is made that after two years they can not hold a directorship in two or more railroads unless previous approval of the Interstate Commerce Commission shall have been secured. Why is that exception put in there?

Mr. RAYBURN. We thought that in many instances of small railroads an injustice might be done, not only to the directors and stockholders themselves but that a great injustice might be done to the public, for the simple reason that in some of these smaller institutions, not alone railroads but other corporations, we find in some communities it is absolutely necessary for one set of men to practically control all of the small corporations in that town. Take a small town and let a few men there organize a bank. Perhaps there will be half a dozen men in the town who are able to organize the bank. After a while they will want to build a flouring mill, or they will want, in the South, to build a cotton mill, or they will want to build a cotton press, or they will want to build a cottonseed-oil mill, and if you prevent the interlocking directorates in those things absolutely and totally and leave no discretion in anybody, in many instances, we think, you are likely to do a serious injustice not only to the men who own stock in the corporation but you do an injustice to the public in impairing the ability of the corporation to perform its functions and duty to the public.

Mr. STEVENS of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. STEVENS of Minnesota. Does not the gentleman recall that he himself raised the point before the committee, which, I think, answers the gentleman from Mississippi [Mr. HARRISON], that most of these railroads, especially the larger systems, are made up of subsidiaries and of several smaller lines, and some of the larger ones, especially in the West and the Southwest, are composed of railroad lines which are compelled to be incorporated anew in each State through which the carrier runs, and for that reason it was necessary, in those cases, that the officers of the parent line should also be the officers of the subsidiary line?

Mr. RAYBURN. That is exactly it—made absolutely necessary, I think.

Mr. ADAMSON. The gentleman from Minnesota [Mr. STEVENS] struck the thought I had in mind. I was going to suggest a concrete instance to the gentleman in answer to the gentleman from Mississippi that there are many systems of railroads which have grown up by putting together roads which are practically extensions of one another. There are several lines running from this city and Norfolk to the Mississippi River, each made up of roads originally chartered within certain States. All of those lines are now operated by one company, forming one continuous line, and they have maintained the old autonomy, and each old company still has its board of directors. We thought on representation in cases like that the Interstate Commerce Commission might properly, without injury to the public or any private interest, permit the same directors to operate the entire line and all its parts.

Mr. RAKER. Will the gentleman permit a question?

Mr. RAYBURN. Yes; I yield.

Mr. RAKER. Is there any State in the Union that would prohibit a railroad being built into and through the State? If it should organize its corporation, for instance, in Indiana and start west across the various States, are there any of those States that would prohibit these corporations from continuing the main line on through that State without organizing a new railroad company in each State for the purpose of connecting at the State line? Is there any case of that kind?

Mr. STEVENS of Minnesota. I will answer yes.

Mr. RAKER. Where?

Mr. STEVENS of Minnesota. The Chicago, Milwaukee & St. Paul Railroad Co. was compelled by State laws to incorporate in five different States. After having incorporated in one State with the right specifically in the articles of incorporation where they were going to build on through various States, the States they built in prohibited them from doing it without reincorporating in that State.

Mr. RAKER. I doubted that, but I am not going to doubt the gentleman, because he has had experience in the matter and I have not especially looked it up, but my observation of these matters is that most of these new corporations are formed and organized in the States for the purpose of getting bonuses from the citizen—the counties—where they go, whereas the main line is continued on through and they could not get it, and therefore they have a new incorporation and get these large

bonuses, and then the company gets the road built and turns it over to the main corporation.

Mr. RAYBURN. That is possible. Of course there are not many States that will refuse, and it usually ends in the railroad company getting the line through.

Mr. ADAMSON. If my friend will kindly yield again.

Mr. RAYBURN. Certainly.

Mr. ADAMSON. In proposing this legislation in the nature of a new departure, was not the prime purpose in making this exception to provide for existing conditions rather than to encourage future consolidation?

Mr. RAYBURN. Oh, yes.

Railroads are not compelled to be parallel in order to be competing lines. Of course, you may say that this is lodging great power and discretion in the Interstate Commerce Commission. That I admit; but we feared that to say unconditionally that under no circumstances could one person be a director in two railroads a serious injustice might result. There may be conditions and circumstances under which it would not be to the detriment of the public, and in which it may be to the interest of the public in inconsequential instances for a man to sit as a director in two railroad corporations. Admitting that this is a great power and discretion to lodge in the Interstate Commerce Commission, we must remember that the Interstate Commerce Commission is a great body, made up of high-class, honorable men who represent the Government, and when representing the Government they represent the people, and I will say for the Interstate Commerce Commission, although they need no defender, there has been as little criticism of the personnel or the acts of that great body as of any department of this Government. Believing that there has been another great abuse, and that great crimes were committed by officers of railroad companies, we have provided another thing in this bill, and that is that it shall hereinafter be unlawful for any president, vice president, chairman of board of directors, director, or directory of any carrier subject to the act to regulate commerce, to appropriate, pay, or receive as salaries or dividends any money resulting from the sale of stocks and bonds. I believe that the proceeds of these stocks and bonds should be applied and used for the purposes set out in the application to the commission, and that is to go for some necessary purpose that will help the carrier and increase its ability to perform its obligations to the public.

Thus I have gone over in a meager way the provisions of this bill. I do not expect that it shall escape critcism, nor do I claim that it does not contain defects and imperfections. No human instrumentality is capable of escaping this penalty. Some have said that the penalties prescribed in this bill are too drastic. Some have criticized one thing about this bill; some another.

Mr. Chairman, I believe that guilt is personal. The single remedy of fining a corporation and allowing the individual malefactors to go free has not come up to the expectations of its most enthusiastic advocates. When you assess a great fine against a corporation, one of two things must necessarily result. It must increase the price of its products or its service, or else its ability to perform its rightful functions must be impaired by this drain on its treasury, and dividends must be cut down. The innocent shareholder of these great corporations must then suffer as much as the criminal shareholder.

I believe, Mr. Chairman, that this is no adequate way for punishment, merely. I believe that guilt is personal, and I believe that punishment should be personal; hence the provisions of this bill, which says that a violation of the express provisions of this bill by the individual responsible for the violation should be held absolutely responsible; hence we have provided that those who violate the provisions of this law shall be fined or imprisoned for a term of not less than one nor more than three years, or both such fine and imprisonment. [Applause.] I believe that when a man makes a contract he should with scrupulous fidelity live up to it. [Applause.] I believe further that when an individual or a corporation or the individuals of a corporation make a contract with the Government for the performance of a specific duty those men should be forced with the same scrupulous fidelity to live up to that contract with the Government.

Mr. Chairman, this legislation carries out the ideas in the way of national legislation adopted in the State of Texas years ago under the leadership of that great commoner, James Stephen Hogg, and advocated in State and Nation by Texas's grand old man, John H. Reagan. I believe that the provisions of this bill are salient and will redound to a great good and benefit to the people if it is enacted into a law. I believe that when the trust program of this administration becomes the law of the land and when business has had time to adjust itself to the changed conditions—when the law is made definite and understandable—we may with fond anticipation look to a brighter day in this country and to a season of prosperity the land over. [Applause.]

Mr. Chairman, the Democratic Party is not the enemy of capital or of big business. We know that there must be large aggregations of capital to carry on the great and growing business of the country; hence we would be more than foolish to do anything that would hinder or retard the growth of the country. [Applause.] We intend to do simple justice to business, and, on the other hand, we are determined that business shall deal justly with the people. No honest man will ask more, and no man, be he honest or otherwise, may expect less. [Loud applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, how much time has the gentleman from Georgia used?

The CHAIRMAN. One hour and ten minutts.

Mr. STEVENS of Minnesota. I yield 15 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman, I realize full well that it would be well worth our while to listen for a much longer time to the gentleman who has just spoken [Mr. RAYBURN], and in expressing my own appreciation of what he has said I wish to call the attention of those present to what just occurs to me. The State which he represents is the one which gave to all States right direction in railroad legislation when the railroad commission of the State of Texas was headed by a gentleman who once sat in this body, Mr. Reagan, who did so much for this country in railroad legislation. [Applause.]

And it was eminently fitting that the gentleman who just spoke should be the one to direct the way for us at this time. I desire to speak more particularly on another branch of the subject relating to transportation after complying with the rule by offering a few remarks on the bill before us; but the chairman of the committee [Mr. ADAMSON] has served notice on us that we were not to discuss "post-office affairs or astronomy or the business of other committees," if I quote him correctly; and for that reason——

Mr. ADAMSON. If the gentleman will permit, he misunderstood me. I was calling attention to the etiquette observed by our committee; that we framed bills according to our jurisdiction, without soaring to the stars or trenching upon the jurisdiction of other committees. [Applause.]

Mr. FREAR. The gentleman has very properly done so in the light of our experience in the past, as we can all testify, and I shall only speak briefly in accordance with a suggestion that came to me when I was asked if I cared to discuss the particulars of the bill itself. What I shall say does not relate directly to the particulars of the bill, but the pending bill is one, I think, of great value, and I do not think there will be any disposition to criticize it very severely on either side, by either party in the House. A thought has come to me to-night, after reading the bill and listening to the splendid analysis of it by the gentleman who has just spoken, that only 10 years ago it would have been looked upon as socialistic and impossible—the passage of a bill of this character.

Less than a dozen years ago organized attempts were made by pioneer States in railway legislation toward securing laws to regulate these common carriers. New Haven scandals, Alton bubbles, and a long list of speculative railway kiting ventures existed on every hand. The only difference between conditions then and now lay in the fact that graft and high financiering by "captains" of the railway world, as we called them, were kept secret then, through the time-honored custom of addition, division and silence, a custom that might be abolished with profit to the country in all fields of interstate business. To-day we train the searchlight of publicity upon big business, including railways, and experience has demonstrated it is easy to direct the rays of the machine.

THE POWERFUL LOBBYIST HAS DISAPPEARED.

Mr. Chairman, when restrictive legislation was proposed throughout the country, the State capitols were besieged by lobbyists, railway presidents, attorneys, stockholders, and other protestants, even down to conductors' and brakemen's organizations. The same master mind directed the fight against the laws and the same hand pulled all the strings. Hundreds of shippers thronged the corridors of the capitol of my own State, mingling with the railway lobbyists, cheering the public utterances of opponents to railway legislation, yet whispering words of encouragement to us in secret. That is the history of every fight for railway control waged in other States, and it is the history of the fight for Federal control. Only a few years ago

the corridors of this Capitol were thronged throughout every session with the opponents of important railway legislation, and the railway power extended beyond the corridors to the floors of Congress.

The bill before us is most "paternalistic" in character, to use an old, familiar term, more drastic in its provisions and more far-reaching than the wildest dreams of railway magnates of a decade ago. It determines the justification for the issuance of stocks, bonds, and other evidences of railway indebtedness, the amount that shall be authorized, the purposes of issuance, while one provision of section 20 authorizes the commission to inquire into every business transaction of any railway company and to give full publicity to its discoveries. Personal guilt of officers and directors for refusal to furnish correct information, supported by fines or imprisonment, assure the law's observance.

All these features are covered by the bill, and yet not one *lobbyist* nor railway official nor shipper is in evidence in the corridors to-day, nor is any pronounced protest urged against this legislation, because in the short space of 10 years we have learned that the business of the common carrier is the people's business, and that those who pay the freight shall have a voice in determining the business methods of their authorized agents. Certainly the world moves and Congress has compelled honest and open business dealings on the part of others, a policy that recommends itself to a wide field of public service.

THE REAL SUFFERERS FROM RAILWAY MISMANAGEMENT.

I speak of that in order to show the progress we have made in legislation and to show how far we have gone, and yet practically we have not realized it. One important phase of this bill which impresses me is that indicated by the suggestion of the gentleman from Colorado [Mr. KINDEL], a point that is pertinent here, I believe, and that is as to parties in interest who are dealing with the railroad companies. It is important to know that stocks shall have a fixed value. Less than a week ago a widow came to me and spoke of stock that she had in the New York, New Haven & Hartford Railroad Co., which when given to her was worth 250 per cent, but which is to-day worth, as she said, 68 per cent; and she added, "What am I to do?" That was practically all that she had for her support. It was not the railroad officials who suffered, nor the directors; but a poor widow. And I know the situation is just as I have pictured it, and just as she told me. But you avoid a repetition of that by this bill, not only through the provision which requires the board or commission itself to pass upon these securities, but from the light of publicity that is brought to bear.

There is another thing that occurs to me in connection with this bill and similar legislation, although it does not directly refer to what is contained in the bill. One of the most important suggestions that come from the New Haven investigation and similar investigations which we have had throughout the country is, in my judgment, that the officials who have been examined state it as their desire that the Government itself should take over these great corporations which are now doing business in the country. And why? That would have been impossible for consideration 10 years ago. But the spirit of speculation is being taken out of these propositions by reason of this very legislation that we have been having in recent years. It is bringing the railways up to strict business standards, and that is the reason why many men feel there is nothing to be gained by this system of speculating as evidenced in the New Haven Railway, when some one must bear the punishment eventually.

I notice one or two smiles, but let me say this: Ten years ago we never expected legislation of the kind we have to-day. Ten years from now it may not be thought possible to have railroads controlled or owned by the Government. But 50 years from now—and governments live for centuries—50 years from now it may be possible, and it may be the disposition of this Government at that time; and if so, legislation of this character, which seeks to determine that honest business methods shall be observed by the different companies, will be of extreme value in aiding the Government to a determination of what shall be paid for the roads.

I have a hobby, as many Members have. Mine is not like that of the gentleman from Colorado [Mr. KINDEL], and I see him looking at me with interest. We all recognize his. Mine has been born of recent experience, but in the pursuit of that hobby it seems to me that a barrel has been found of wasted money. I am impressed with the fact that the 1914 appropriation embodied in the bill that passed for rivers and harbors—that is, money appropriated and money pledged for expenditure in the future—would have been sufficient to build a transcontinental railway from New York to San Francisco. The money that has been expended for the Panama Canal would build 15,000 miles of railway. That depends, of course, upon the valuation per mile, but that is at over $25,000 per mile. So it is entirely within the range of possibility that within a few years we shall be enabled to undertake as a business proposition an investment in these roads, and we will be aided by this legislation.

Mr. STEVENS of Minnesota. Before the gentleman leaves the question of the cost of construction of railroads, has this ever come to his attention—I think it came before our committee at one time—that the cost of constructing a line from Chicago to New York would not equal the amount that it would cost to construct a line from the Harlem River down to the Grand Central Station, in New York City.

Mr. FREAR. I presume that has been found true, Mr. Chairman, and I realize that in England, if that is to be considered, railways cost hundreds of thousands of dollars per mile, but in my own State a road which was constructed at $16,000 a mile is now capitalized at something like $60,000 a mile, and very little actual money has gone into the business since its construction.

But of course it is a question here of fictitious value, as was so well explained by the gentleman who last addressed us [Mr. RAYBURN], and that is what this bill seeks—to drive the water out of business and put it upon an honest and sound basis, as he said; and that seems to me to be one of the important things in which the Government as well as the individual is interested. [Applause.]

I now desire to present a few observations that have not a direct bearing upon the bill, but which are of vital interest to the people of the country.

THE INSIDE OF THE PORK BARREL.

Mr. Chairman, in the CONGRESSIONAL RECORD of May 28 appears an extended article on the 1914 "pork-barrel" bill, so denominated by the author of the article, the gentleman from Mississippi [Mr. HUMPHREYS]. This article, originally appearing in the Saturday Evening Post, is courteously placed in the RECORD by Senator RANSDELL of Louisiana. By anyone familiar with the subject it will be found to be a clever presentation by an able lawyer of a bad and indefensible cause enveloped in glittering generalities. Written to forestall public opinion, which is becoming aroused over the most vicious pork barrel ever foisted on the country, it is ushered into notice at the right moment through one of the greatest publishing agencies in the world—the Saturday Evening Post. A casual reading discloses the article has also been written for the purpose of placating a leading Senator, whose powerful influence against the bill is feared by its supporters, and significantly also the Post article appears while the bill is before the Senate committee. It apparently seeks to counteract injurious reports from the other end of the Capitol that the 1914 bill is to be loaded down with many additional objectionable and indefensible items, and it attempts to forestall well-merited criticism by light airy generalities and ridicule.

A careful perusal of the Post article, copied in last Thursday's RECORD, is urged upon every Member in order that the pitiable weakness of argument put forth by the pork barrel's foremost champion in the House may be digested. My own ineffective opposition to the bill is entirely impersonal and taken because of the many vicious projects contained in it. For unimpeachable testimony on this score I quote from the RECORD of March 26, also found on page 7079 of the RECORD of April 10, the following:

> During the past several days the gentleman from Wisconsin [Mr. FREAR] has moved to strike out numerous items contained in the bill. I do not say now and have not heretofore said and shall not hereafter say anything in criticism of him for that. I am perfectly satisfied that he did it because he believed by so doing he was serving his country well. It is just a difference of opinion.

ELOQUENT FIGURES CONCERNING THE PORK BARREL.

This kindly sentiment came from the distinguished gentleman from Mississippi, the author of the Saturday Evening Post article, a gentleman for whose abilities and estimable personal qualities I have profound respect. In the RECORD of April 10 I collated facts presented to the House by myself during the five days' discussion under the five-minute rule. In that statement I showed river and harbor appropriations had grown from about $187,000,000 for the 20 years from 1875 to 1894, when river commerce was at its height, to $184,424,918 for the 10-year period from 1895 to 1904, or 100 per cent average increase per annum. Also that the notorious pork barrel now reaches $184,345,034 for the four years from 1911 to 1914, inclusive, although the last figures may amount to $200,000,000 before the present bill returns from the Senate. Further, that in addition to a 500 per cent increase in the size of the pork barrel within the period mentioned, the Government is obligated to an amount of

$205,000,000 additional for continuing projects proposed in recent years; yet, notwithstanding all this enormous expenditure of over a half billion dollars and an additional debt of $300,000,000, our river commerce on the Mississippi, Missouri, and practically every other river, with one exception, has decreased over 80 per cent, and it has materially decreased on all rivers. This statement there made was supported by official Government statistics as to the appropriations and traffic. It is not denied in the Post article. It can not be successfully denied.

During that discussion, I gave official statements from Army engineers showing that the 1914 pork barrel contained river projects some of which were dry for eight months in the year, others for scarcely less periods. One of these had a depth of 1 inch at the head of navigation after an expenditure of $32,000. Others were improvements for the exclusive use of private factories for private purposes. Others were real-estate projects, reaching in one case to three-quarters of a million dollars. Others were for projects that are now costing the Government $100 for every ton of freight shipped by water. Others, like the Coosa River project, referred to in the Post article, are to cost millions of dollars and will be valueless. To be more specific, the Coosa has been "improved" for 24 years. Its cost is estimated by Army engineers at $6,059,913. At the present rate of improvement it will take over 100 years to finish, and after many years of wasted time and money the engineer reports: "As yet—after 19 years—no benefit has been derived from this improvement, and its value is entirely dependent on the completion of the entire system." The Coosa River project is a grim joke on the people, and yet it is the one project especially mentioned with approval in the Post article. Where is the unnavigable Coosa River for which $6,059,913 is to be appropriated? How many Members of the House or taxpayers of the country know the whereabouts of this undiscovered stream?

THE SHAMEFUL BILL IS EXCUSED, NOT DEFENDED.

Mr. Chairman, I do not intend to repeat arguments urged upon the House, but I do say that the 1914 pork barrel is filled with many wasteful, vicious projects, only a few of which I attempted to point out. That notwithstanding the 1914 bill is the worst bill ever foisted on the American people, according to the opinion of experts whose opinions are of value, not one item could be stricken out in the House for fear of its supporters that the barrel would fall to pieces if a stave were pulled off. Not one of the facts supported by engineer's reports have been denied or explained in the Post article. Legislation which brings the blush of shame to men who are honest but helpless because of powerful influences behind the barrel, is palliated and excused, but not defended in the Post article. The bill can not be defended. Its only salvation lies in silence as to vicious provisions and it makes an unparalleled plea for more Federal money with which to improve a lost river traffic for boats which no longer run the river.

These facts have been presented to the House together with unimpeachable statistical testimony that the bad outweighs the good in the 1914 pork-barrel bill. At the same time the facts were laid before the editors of the Saturday Evening Post with the hope that a great magazine might be induced to raise its voice in the people's cause. On the contrary, it has become the vehicle for an attempt to justify the worst pork barrel ever presented to the American people. I did not feel permitted to question the Post's position or the article before its insertion in the RECORD, but to remain silent now, when a misleading message is sent approvingly by Government agency throughout the country, is to stultify one's self. The people will some day know about the pork barrel. All the golden gags distributed throughout the land can not much longer keep the barrel afloat. It is loaded down with so many wasteful, dead-weight projects that it is about due to sink.

The Post article justifies the intracoastal canal folly, glosses over appropriations poured into scores of unknown creeks and rivulets to satisfy hungry constituencies with small slices of local graft; it approves the purchase of bankrupt, worthless canals; it declares the Trinity, Brazos, and other engineering failures, as evidenced by Government reports, are worthy ventures; it ignores the millions of dollars carried along in dribbling appropriations that make the whole river-improvement scheme a farce and absurdity; it ignores the startling statement of Chairman SPARKMAN that waterway ventures demanding billions of dollars are knocking at the doors of Congress, backed by men of "national repute"; and it seeks to avoid a discussion of the real facts surrounding the pork barrel by airily boosting the Coosa River project, one of the worst in the bill, and praising other projects that are supposed to bring senatorial influence dependent upon their incorporation in the 1914 bill.

Mr. Chairman, I will not take up the Trinity, Brazos, and other visionary projects which are wicked and wasteful items beyond belief, but are wittily glossed over by the buoyant article in the Post. Many of these projects were riddled on the floor of the House during discussion under the five-minute rule, and some of them are exposed by engineers' reports in the argument of March 26, which appears in the RECORD of April 10. I do not desire to repeat, but will add a few suggestions which are invited by the Post article appearing in the RECORD.

THE HUMPHREYS-RANSDELL $60,000,000 BILL.

It may be fair comment to suggest that the writer of that article is possibly biased in his views, because of generous appropriations shoveled into the Mississippi and Louisiana creeks and bayous, together with the rich $7,000,000 plum in the 1914 bill for the lower Mississippi, where traffic has decreased 93 per cent, according to Government statistics. Or it may be that he is unconsciously influenced by the Humphreys-Ransdell bill to appropriate $60,000,000—a bill which overshadows all other waterways projects to-day. By a surprising coincidence, Mr. HUMPHREYS, who wrote the Post article, and the Senator who secured its insertion in the RECORD are joint collaborators, partners, and proprietors in and of the hyphenated Humphreys-Ransdell $60,000,000 Mississippi River bill, which makes some claim to our attention at this time.

Mr. Chairman, on page 7078 of the RECORD for April 10 I made a brief observation of the Mississippi River reclamation scheme, a statement based on the deliberate and disinterested opinion of different river men familiar with river conditions for 50 years and more, which gives their unbiased judgment much weight. Summed up in a few words, it is, as I then stated, as follows:

RECLAMATION PROJECTS.

We are informed that the disguise is now to be thrown off. A new theory to justify wasteful expenditures has been devised. Navigation has almost vanished. It is no longer a word to conjure by, and so the country is hearing a new call to arms, with its slogan "Reclamation."

Far be it from me to measure individual judgment with technical Army engineers or interested parties who paint highly colored pictures for Presidents and lesser officials on junketing trips.

The reclamation of the Mississippi is to be embarked upon by these same willing Army engineers, who estimate it will cost $275,000,000 to harness both banks of the Mississippi River for a distance of 1,000 miles, to the mouth of the river. Experienced rivermen with whom I have talked, and who know every foot of the river, laugh at this new evidence of stupendous engineering folly, which proposes to spend $275,000 per mile. Who is right? I will not trespass on the time of the committee further than to make a brief criticism, based on common sense, an unknown factor with Government engineers when embarking on the Oklawaha, Coosa, Kissimmee, Trinity, and other valueless engineering schemes.

Sane men, with knowledge of the tremendous visionary plan approved for the Mississippi River, declare that no reclamation can ever be moderately successful, and that $275,000,000 will not make any more lasting impression on the Mississippi River as a whole than the $100,000,000 already thrown into the river. A few favored localities may be temporarily benefited, but no State in the Mississippi Valley could be prevailed upon to contribute one-half of the expense proposed to be incurred along its own borders, because the proposition is chimerical and the slight proportionate benefits are local and largely for private interests. Army engineers do not frighten the paymaster by estimating the expense of a temporary Mississippi levee construction at a billion dollars, but this is no extravagant figure, according to rivermen familiar with the Mississippi River and its varying moods.

Presidents and public officials are accustomed to view the river when it slumbers. As well judge danger from a raging drunken outlaw armed to the teeth, by viewing him asleep and bereft of arms. The Mississippi River varies 70 feet in height at Vicksburg. It stretches out for miles in width along its turbulent course. At flood time it is a mighty rushing wall of water 70 feet in depth and reaching miles in width. The reclamation project proposes to cope with the Creator by harnessing this irresistible flood, made up by three of the greatest flood rivers in the world, the upper Mississippi, the Missouri, and the Ohio. Scores of other flood streams empty into the great rushing Father of Waters that has irresistibly swept down to the sea for thousands of centuries, and will continue to do so, unharnessed and unimpeded, for all time to come. All the temporary obstructions that can be raised by puny hands of man will be swept away, in his own time, by this raging drunken outlaw. Addle-pated engineers may waste millions of dollars of Government money in seeking to change its course. They may undermine the cities of Memphis, Vicksburg, and other cities with a criminal disregard for the consequences of their acts and the rights of citizens along its borders. To guide the Mississippi may be possible in places, although often disastrous in its consequences; to attempt to harness it from the Ohio to the Gulf, with a thousand miles and more on either side subject to flood action, is to invite the pity of an overruling Providence. Engineers may dig the Panama Canal, a wonderful feat of engineering; they may be able to canalize the Rocky Mountains, using glacier and artesian waters with which to moisten the locks, in an effort to force Jim Hill to reduce Great Northern Railway rates by visionary water competition; they may institute any number of nonsensical canalization schemes until Uncle Sam's strong box reaches the same low-water level they are seeking to obviate elsewhere; but they will never harness the Mississippi.

IMPROVEMENTS THAT WASH AWAY CITIES.

The most pathetic picture witnessed by this House during the present session and which aroused the righteous indignation and sympathy of the Members generally was offered when the eloquent gentleman from Tennessee, Mr. MCKELLAR, pleaded

with us to right a great wrong and change back to its original course the Mississippi River, which, at a prodigious expense, has been deflected by Government engineers until it now undermines the river front of the city of Memphis. With genuine anguish and convincing argument, he declared:

Our city will be washed away. We have been flooded twice since we asked for the survey. We have got to act now, for the flood comes annually since the levees have been built, and Memphis has bonded itself for a million and a half dollars.

The Government, through its Army engineers, is shown to have inflicted irreparable loss in Memphis, and, as we are informed, this is also the case with Vicksburg and other communities. Like a foolish boy with an unloaded gun, some one is sure to get hurt while trying to see what an unloaded gun will do. Memphis and Vicksburg have reason to know, because they have been shot, and their indictment of the incompetence of Army engineers is based on a knowledge of the present status of the reclamation folly.

To the piteous appeal from Memphis, the committee chairman made a response that sounds like the voice of a Spartan mother who sacrifices her first born on the altar of battle. However, this is not a cry from the home State of the committee chairman, where Kissimmee Creek and Oklawaha Creek "ha-ha" together over the $800,000 of Government money about to be poured into those creeks, apparently to aid two Florida real estate propositions, according to engineers' reports. Florida seemed ready to sacrifice Tennessee to the ravages of flood caused by our Government engineers, when the chairman replied:

The Mississippi River Commission can take care of the banks of the river at any point where there is any danger. We appropriate money enough for them. Why should we be called upon, after furnishing the large sums of money we are appropriating in this bill—$9,500,000—to furnish specific sums for any particular part of the river?

Will the Tennessee Senators be satisfied with any such cold-blooded proposition, or will they kick in the head of the pork barrel and demand that the Government of the United States right the wrong it has done and is doing by this reckless reclamation experiment? Memphis, flooded by a Mississippi River Commission's reclamation mistakes, is turned over to that commission for relief. It is as sensible a proceeding as to refer a resolution of investigation of the pernicious pork barrel over to the River and Harbor Committee, which stands sponsor for the barrel. And that has actually been done, as I propose to show in a few moments. What does Memphis say of the Ransdell-Humphreys $60,000,000 Mississippi pork-barrel bill? Quoting from the Memphis Scimitar of January 12, 1914, we find this opinion:

It is claimed by those high in authority that the Ransdell-Humphreys bill should be entitled "A bill to destroy the navigability of the Mississippi River and to eventually make it impossible to protect the valley from devastation by floods."

A BILL TO DESTROY NAVIGABILITY.

We should remember that this is the bill prepared and championed by the gentleman from Mississippi, who so entertainingly explains in the Saturday Evening Post about the inside of the 1914 pork barrel. Some interesting features of this particular piece of pork he forgot to mention, as I shall endeavor to point out later. Before doing so, however, I quote further from a letter written by George H. Maxwell, on December 6, 1913. He is a man who has made a study of the reclamation project, which is fathered and mothered by the gentlemen from Mississippi and Louisiana, respectively, both of whom contribute generously, each in his own way, to the circulation of the Saturday Evening Post article. Mr. Maxwell writes:

The Ransdell-Humphreys bill, instead of providing a remedy for this inevitable destruction of our greatest natural waterway, provides a system that will expedite the destruction. That is a fact which can not be controverted, no authority in support of the statement being necessary except a reference to the reports of the Army engineers of the War Department of the United States.

Nothing that a new Member can offer to a patient public which foots the bills will approach in severity this castigation of the $60,000,000 Humphreys-Ransdell bill, included, but not mentioned, in the Post article.

SEVERAL RAILROADS THAT FOOT THE BILLS.

Mr. Chairman, whence comes the powerful influence behind the Humphreys-Ransdell bill, and, incidentally, in favor of the 1914 pork barrel? I have before me what purports to be a photographic copy of a typewritten statement made by John A. Fox, secretary and manager of the Mississippi Levee Association, wherein he states as follows in regard to the bill:

It has been estimated that a minimum fund of $30,000 per annum is necessary for this organization to do its work in a complete and thorough manner, and already a considerable portion of this sum has been pledged annually for five years (of $150,000 in all). The subscriptions are as follows:

Southern Railway Co	$1,000
Mobile & Ohio R. R	1,000
Frisco R. R	1,000
Missouri Pacific R. R	1,000
Chi. R. I. & Pac. R. R	1,000
St. Louis and So. Wes. R	1,000
Illinois Central	1,000
Y. & M. V	1,000
Chi. Mill. & Lumber Co	1,000
Caldwell & Smith, Memphis	1,000
International Harvester Co	1,000

Assurance has been given of other substantial amounts.

Mr. Chairman, the full purport of this statement should not be overlooked. We have no means of knowing how this $150,000 was spent or is to be spent in a "complete and thorough manner" while promoting the gospel of the Humphreys-Ransdell bill before Congress or while incidentally advancing the pork barrel, which is destined to carry $12,000,000 for the Mississippi River next year. The Post article, in its scintillating shafts of wit poked at new Members, makes no mention of this fund.

Until a rigid investigation is held to ascertain the influence of money and of lobbyists from this and other quarters in promoting publicity and the fortunes of the "pork barrel" no one can speak positively of the extent or use of funds contributed to push along the barrel; but it is significant that a number of railway companies now doubtlessly pounding at the doors of the Interstate Commerce Commission for a 5 per cent raise in freight rates are among the substantial contributors of stockholders' money to the Humphreys-Ransdell bill. How many other pork barrels, public and private, are being aided by these public-service corporations is a matter of speculation only to be revealed upon a proper investigation such as I have proposed by resolution.

CONGRESS SHOULD HAVE THE FACTS.

When railways subscribe to a fund which is to be used in urging upon Congress the passage of the Humphreys-Ransdell bill it is well to inquire what other agencies are being employed. By what right do railways take stockholders' money for the purpose of advancing this river scheme or any other scheme? By what legal right have eight railways obligated themselves to contribute annually to this corrupt fund? Corrupt in character because hidden from public gaze, to be used secretly, as far as the general public is concerned. One hundred and fifty thousand dollars for the promotion of what and by what methods? The Post article is silent on this interesting point. Members of Congress have a right to know who got this money. Has it all been spent, or what is the status of the fund? What other funds have been raised for influencing Congressmen in favor of the Humphreys-Ransdell bill? Only an investigation by a disinterested body will give us the facts to which we are entitled.

As if to further prove the fallacious, untrue, and ridiculous claims of waterway advocates that the railways fear water competition—which has disappeared from our rivers—we here find eight great railways contributing annually to a fund for the purpose of pushing a waterway proposition on the greatest river in the country. A statement of the facts is sufficient without argument, unless the purpose of the Humphreys-Ransdell bill is to completely destroy possibilities of navigation, as is stated by the authorities I have quoted.

THE HUMPHREYS-RANSDELL BILL'S BIG STICK.

In addition to its $150,000 promotion fund, the Humphreys-Ransdell bill, or, more correctly speaking, its supporters, are charged with swinging a big stick on other organizations to force the measure through Congress. This charge does not come from irresponsible sources, but from an association presided over by one of the ablest Members upon this floor and one of the most vigorous champions of the intracoastal system, Hon. J. HAMPTON MOORE, of Philadelphia. The association supports a monthly journal devoted to waterways. In a recent number, published in February, 1914, the following vigorous protest speaks volumes for the effective work now being secretly carried on for the $60,000,000 Humphreys-Ransdell bill. It reads as follows:

Business men in the Eastern States may not realize the systematic campaign which is being waged from points in the Mississippi Valley to dragoon everyone into the ranks for an unprecedentedly large and continuing appropriation for the Mississippi River. Some of these letters amount practically to threats of transfer of business unless eastern houses fall in line and go on record with their Congressmen in favor of the project. Without present discussion of the merits of the bill, and for obvious reasons omitting names, the following letter sent us by an eastern correspondent is herewith reproduced as a matter of information:

"GENTLEMEN: Will not your firm kindly aid in the matter of securing national legislation such as will prevent a recurrence of the disastrous floods of 1912 and 1913 on the lower Mississippi River?

"A measure known as the Ransdell-Humphreys bill, providing for the expenditure of $60,000,000 by the National Government to complete the levee system during the next five years and thereby prevent these disastrous floods, is now before Congress.

"This measure was framed in accordance with the plans and recommendations of the Army engineers and provides the only practicable and feasible means of solving the problem.

"The people of the region affected have already contributed $70,000,000, and it is considered but right that the Nation contribute its share toward controlling the flood waters from so great a part of the country on a stream of such national magnitude.

"Letters from your firm asking the delegation from your State to support the measure in Congress will help us very greatly, and as our loss is your loss and our prosperity your prosperity, we hope that you will feel a personal interest in the matter."

CONGRESSMEN MUST FAIRLY DIVIDE "PORK."

"For ways that are dark" this threatening campaign is original. "Our loss is your loss and our prosperity is your prosperity." Was this a reference to mutual claims upon the pork barrel, or did it mean that southern business houses were about to secede from northern connections unless the Pennsylvania Congressmen came across with their support?

The waterways journal, from the City of Brotherly Love, understands it to be the demand of a legislative highwayman organization, and it protests against this unprofessional campaign carried on by the Ransdell-Humphreys bill. With the ethical standards of either organization we are not concerned, but what other interesting leads might be developed by an investigation of the $150,000 promotion fund or the wielding of a big stick whereby hesitating Congressmen are forced to join in an irresistable political push on the pork barrel. A careful perusal of the Post article fails to discover any of these interesting facts. The article does devote a large share of its space to a leading Senator whose opposition to the bill is frankly admitted and feared by both parties to the gentlemen's agreement known as the Humphreys-Ransdell bill; but why was a column and more of valuable space in the Post accorded a curiously mixed challenge and appeal to the Senator, when a great reading public would have been more deeply interested in the methods pursued by those who keep the barrel rolling? What interesting facts might have been disclosed in the Post regarding the use of the railway corruption fund which was expected to reach $150,000. What novel campaign methods might have been disclosed of big-stick methods in connection with the pork barrel. All these topics of intense interest in connection with the $60,000,000 Humphreys-Ransdell bill were missing from the entertaining Post article written by the distinguished Member from Mississippi and placed in the RECORD by his no less distinguished coadjutor, the Senator from Louisiana.

A MUTUAL BRIBERY ASSOCIATION.

The public would like to know the power behind the pork barrel. It would like to know what methods are pursued by the various waterways associations. I am not attributing improper methods to any organization, but urge that enough has been developed to justify a thoroughgoing investigation. In this connection I offer an extract from the report of a subcommittee of the New York Board of Trade and Transportation made to the board and adopted by it. The report covers several pages, but I shall offer only a few extracts of an extremely illuminating report. It says of a prominent waterways association that is organized to push the pork barrel:

Its object, as stated in its circulars, is to arouse public interest to such an extent that a united demand coming from all sections of the country for regular and adequate rivers and harbors appropriations will induce Congress to provide an annual rivers and harbors bill of $50,000,000.

Continuing, the report says of the association:

A general indorsement is given of all projects heretofore approved by the United States Engineers, the completion of which would require from $320,000,000 to $350,000,000, but no effort is made to ascertain or verify the necessity or value of such projects and plans. The organization, while advocating and demanding enormous and unprecedented appropriations from the Public Treasury, thus cleverly attempts to avoid all the responsibilities for its proper and honest expenditure. Another advantage to them of this policy is that they avoid all dissensions among themselves over questions of merit as to projects proposed. They welcome to the support of their cause everybody who wants an appropriation from the Treasury, and none is repulsed. The wonder is that their numbers are not larger.

Again, the report says of the association:

There will be more money to go around, but if the Rivers and Harbors Congress should succeed in their plan "to arouse public interest (they should have said cupidity) to such an extent that a united demand coming from all sections of the country" would develop new schemes of improvement before unheard of, the demands for appropriations for unworthy projects would be increased far out of proportion to the worthy ones, and so the difficulties would be aggravated. It would foster beyond all previous experience the most pernicious of all methods of procuring legislation, known as "log rolling," a species of mutual bribery among those actively interested already too much in evidence for the health of the public morals and the interest of the tax-paying public.

RIVER IMPROVEMENT A "HUMBUG AND STEAL."

This report is sent out by one of the greatest business organizations of the country. It calls a spade a spade. It calls "logrolling" a species of "mutual bribery" among those "too much in evidence for the health of public morals and the interest of the tax-paying public." What organization did the New York Board of Trade have reference to and what has been its activities in past years? What interesting reading this report would be to the million readers of the Post, who pay taxes and confidently believe, after reading "The Inside of the Pork Barrel," that solid chunks of wisdom, scintillating with witticisms, furnished by the Post's high congressional authority, justify the existence of the 1914 pork barrel—the worst in the history of the country.

What a suggestive definition comes from the New York Board of Trade when it says "log rolling is a species of mutual bribery." Almost as comprehensive as the utterance of a distinguished Senator a dozen years ago, when he said, "The Mississippi has quit having any steamboats on it almost, and the whole scheme of river improvement is a humbug and a steal." And yet the author of a bill to appropriate $60,000,000 for the Mississippi says, in his Post article, "criticism of those who speak without knowledge and the censure of those who scold without reason may well be disregarded."

A certain wise old ancestor of ours said, many centuries ago, "Dissembling profiteth nothing; a feigned countenance and slightly forged external deceiveth but very few." Speaking impersonally, Old Seneca must then have had in mind some of the pork-barrel projects that are damned by faint praise by their promoters when he gave to the world his words of wisdom.

SOME THINGS NOT EXPLAINED.

Mr. Chairman, with full knowledge that the rivers and harbors bill of 1914 is what the distinguished Senator declared it to be, "a humbug and a steal"; with full knowledge that scores of wasteful projects aggregating millions of dollars are to be abstracted from the Government Treasury for such faked improvements; with knowledge that Army engineers have attempted to withstand the political influence back of certain real estate projects to be financed by the Government, as shown by the reports; with full knowledge that the whole scheme of dribbling appropriations for river improvements is unbusinesslike, wasteful, and responsible for pork-barrel methods; with full knowledge that the 1914 river and harbor bill as it passed the House was worse than any of its predecessors which have come to my attention; with full knowledge that the 1914 bill, which comes back to the House, will be notoriously worse than when it passed the House and worse than any of its predecessors; with full knowledge that many of the projects are for private interests and not urged for the public interest; with full knowledge that there prevails throughout the country a clear, well-defined opinion that there is something rotten nearer home than Denmark, when river and harbor legislation is being slipped through Congress; with full knowledge that the stultifying measure is repellant to a great majority of the Members of Congress who are caught under the barrel by the unjust and improper demands of their constituents; with full knowledge that eight railways and various other concerns have been improperly using moneys belonging to stockholders of such concerns to secretly force Congress to pass a pork-barrel measure; with full knowledge that an association in 1914 has been swinging a big stick among the customers of its members in order to unfairly compel Congressmen to fall in line for this same pork barrel; with full knowledge that the New York Board of Trade refused to become a supporter of a nation-wide association which was proposing to put through an annual pork barrel of $50,000,000, based on the principle of "mutual bribery"; with full knowledge of all these facts based on evidence which seemed to me to be conclusive and which I am ready and willing to submit to any investigating body prepared to learn the truth, I introduced the following concurrent resolution in the House on May 4:

WHY AN INVESTIGATION IS ASKED.

Whereas many millions of dollars of public moneys are annually wasted on our rivers and an absence of businesslike methods is being pursued by the Government in carrying on river and harbor improvements, the following facts are submitted as a preamble in support of this resolution:

That on March 17, 1914, the chairman of the Rivers and Harbors Committee stated to the House as follows: "Why, there are propositions advanced, some of them now before Congress, advocated and supported by men of national repute, the adoption and carrying out of which, it is said by competent engineers, would cost billions of dollars";

That river and harbor appropriations have increased approximately 500 per cent, whereas navigation on rivers has decreased 80 per cent, as shown by the following Government data;

Appropriations for rivers and harbors: Eighteen hundred and seventy-five to eighteen hundred and ninety-four—20 years—$187,099,000; 1894 to 1904—10 years—$184,425,000; 1911 to 1914—4 years—$184,345,000.

The following river traffic is reported from the city of St. Louis: Missouri River, 1890, 31,385 tons; 1906, 6,050 tons; loss, 80 per cent. Lower Mississippi, 1890, 765,880 tons; 1906, 141,575 tons; loss, 81 per cent.

That commerce on practically all inland waterways, excepting the Great Lakes, has greatly decreased and often been driven from the rivers by railway competition;

That the Interstate Commerce Commission and railway commissions of the several States have general powers to reduce railway freight rates wherever conditions warrant and to prevent increase wherever reduction has once been made;

That the river and harbor bill for 1914 as passed by the House appropriates or authorizes an expenditure of $43,289,004, in addition to $32,895,871 in new projects begun and to be maintained by continuing appropriations from future Congresses, in all calling for a proposed expenditure of $76,184,875. To this vast amount, judging from past experience, will be added from $4,000,000 to $5,000,000 before the bill is returned from the Senate;

That the adopted projects which we are obligated to complete, including those embraced in the 1914 bill, involve a future expenditure of $305,500,000;

That in addition thereto the Army engineers have recommended 93 new projects, which will require a further expenditure of $92,500,000 whenever Congress can be prevailed upon to make such appropriations;

That 120 additional surveys are authorized by the 1914 bill as it passed the House, which will require an indefinite amount for such projects, possibly reaching $100,000,000, judging from the average last noted;

That to these extravagant expenditures will eventually be added billions of dollars, according to the opinion of the chairman of the Rivers and Harbors Committee of the House, whenever men of national repute now advocating and supporting other projects can secure their adoption;

RIVER NAVIGATION HAS DECREASED OVER 80 PER CENT.

That the 1914 bill as it passed the House appropriated $9,500,000 for the Mississippi River, 84 per cent of which is to be expended on the lower river, notwithstanding its commerce decreased over 80 per cent during the past 20 years;

That the Mississippi River Commission on April 14, 1914, at St. Louis, recommended to Congress a further appropriation of $12,000,000 for the Mississippi River for next year;

That the 1914 bill as it passed the House appropriates $2,000,000 for the lower Missouri River, between Kansas City and the Mississippi, which appropriation is part of a $20,000,000 project for that portion of the river, notwithstanding traffic is negligible and actual commerce is alleged to have cost the Government approximately $100 per ton for 1912;

That the 1914 bill as it passed the House appropriates $5,000,000 for canalizing, near the Ohio River, a $64,000,000 project, comprehending 63 locks, but no part of the open-river service. Canal freight for 1912 is alleged to have cost the Government over $35 per ton, after allowing full railway freight rates for coal traffic;

That after spending many millions of dollars on the Coosa, Trinity, Brazos, and Red Rivers, these projects are now alleged to be of no practicable benefit to navigation;

That the intracoastal waterways project, present and postponed, as reported by Government engineers, involves a past, present, and proposed expenditure, with many connecting links not included, of $96,931,006;

That this system includes the construction of new canals of doubtful value, the purchase, through the 1914 bill, of a bankrupt canal proposition the stock of which is shown to be worthless; of projects that propose to especially benefit certain communities to the injury of others, and projects which it is alleged will drive legitimate private waterway ventures into bankruptcy;

That the 1914 bill as passed by the House contains appropriations for projects where the expenditure, according to engineers' reports, is exclusively for local private business interests and not for use by the general public;

That the 1914 bill as passed by the House contains appropriations for creeks which, according to the accompanying engineers' reports, are dry for eight months in the year;

That the 1914 bill as passed by the House contains appropriations for creeks involving in a single instance an appropriation of $750,000, wherein it is alleged the engineers' report was reversed after real estate speculators had brought political pressure to bear in such case;

That the 1914 bill does not carry appropriations for the full amount required to complete projects as asked for by engineers in many cases, thereby preventing the Government from entering into proper or profitable contracts until full appropriations are made;

That the 1914 bill is open to all the objections urged by President Taft against the 1910 bill for the last-mentioned reasons and contains wasteful appropriations amounting to many millions of dollars: Therefore for the foregoing reasons it is

Resolved by the House of Representatives (the Senate concurring), That the Interstate Commerce Commission be, and hereby is, authorized and directed to immediately investigate and as soon as practicable report to Congress the following information:

1. The character and amount of proposed expenditures by the Government now being advocated and supported "by men of national repute," as stated on the floor of the House, the adoption and carrying out of which will cost billions of dollars.

2. The character and value to the general public of projects to which the Government is now committed aggregating $305,000,000.

3. The character and value to the general public of 93 new projects recommended by Army engineers but not yet adopted by Congress which will require a further expenditure of $92,500,000.

4. The character and value to the general public of 120 new surveys authorized by the 1914 bill as it passed the House, which will require an indefinite amount reaching to over $100,000,000, based on average last noted, providing such projects are recommended by the Army Engineers.

5. To report all river or harbor projects begun and afterwards abandoned by the Government within the past 40 years, together with all expenditures so wasted and reasons for such abandonment.

6. To report as to the truth or falsity of the statement made upon the floor of the Senate that "the whole scheme of river improvement is a humbug and a steal," and to report further as to the truth or falsity of statements made during debate in the House that the river and harbor bill for 1914 as it passed the House is a fraud upon the people, a pork-barrel raid upon the Federal Treasury, approximating in its scope an expenditure of over $76,000,000, and more vicious in character than any of its predecessors.

CONGRESS SHOULD KNOW THE FACTS.

7. To investigate and report all active influences urging the adoption of the Mississippi River reclamation, the Ohio River canalization, the Delaware & Chesapeake Canal, and other projects contained in the 1914 bill as it passed the House, together with the names of all organizations, companies, individuals, or hired lobbyists now actively engaged in urging such projects.

8. To report fully as to the Mississippi River reclamation project, its probable cost, local benefits to be conferred and value of any lands to be reclaimed; the ownership of such lands; the contributions equitably required from adjoining States, municipalities, or individual interests, if any; the injuries to Memphis, Vicksburg, and other communities alleged on the floor of the House to have been caused by ill-advised engineering projects, and further to report as to the permanence of the reclamation project and probable value compared with Government expenditures required.

9. To investigate and report as to the desirability of having the Government take over the Chesapeake & Delaware Canal at double its actual value fixed by the House committee; to report whether the canal company stock is worthless and its bonds valued at only 50 cents on the dollar, as stated on the floor of the House; to report whether this canal project can be completed for $10,514,290, as estimated by Army engineers; to report whether such amount includes the Government contribution of $450,000, made about 90 years ago, and accumulated interest and dividends wrongfully withheld during that period; and to report further whether or not the project is to be taken over for the especial benefit of canal bondholders and shipping interests of Baltimore and Philadelphia. In making such investigation the commission is directed to not limit its hearings to stock and bond holders of the canal company, or to local political influences or interested shipping interests of Baltimore or Philadelphia.

10. To report further what river and harbor projects now under consideration are for the benefit of strictly private business interests without corresponding benefits to the general public, and the influences that secured such projects for such interests.

11. To report what proportionate benefits should occasion contributions, and to what extent, from local communities, particularly where improvements are of strictly local value and of no material aid to navigation.

12. To report the financial policy or absence of policy pursued by the Government as to rivers and harbors during the past 40 years; benefits that have accrued to the public through improved river navigation and increased river traffic, if any, resulting from such improvements, together with all further available information on the subject that may be had, together with such recommendations based thereon as may be found proper to make in the premises, having particular reference to the following information:

13. To report the practicability of taking away from the Chief of Army Engineers the exclusive right and power of determining the commercial necessity of river and harbor projects and leaving with the Army Engineers' Bureau the single question of technical engineering work.

14. To report the practicability of turning over to the Interstate Commerce Commission or to the Department of Commerce all river and harbor improvements, with full power to exercise all the duties now imposed upon the Army Engineering Bureau, excepting such duties as strictly pertain to civil engineering.

SMOTHERING A RESOLUTION.

Mr. Chairman, I have recited the facts on which the resolution is based and the authority for each separate provision of the resolution which to me seems possessed of merit and has a vital relation to public morals, legislative practices, and "the interests of the tax-paying public." The resolution was introduced in all seriousness, and in some form is sure to eventually receive the attention it deserves, although the irony of fate never played a better hand against its present consideration than when the resolution was referred to the Rivers and Harbors Committee.

I offer no invidious criticism against the Rivers and Harbors Committee individually or collectively, but ask any Member not utterly devoid of a sense of humor to picture to himself the possibility of securing a genuine investigation or a favorable report on such a resolution at the hands of that committee. It is sufficient to say that the resolution has been in the hands of the committee for about a month. Nothing has been heard of it. Nothing will be heard of it. Smothered in the interests of expediency and harmony, the resolution is sure to die a peaceful death.

The Mulhall investigation would never have occupied the attention of Congress but for the publicity forced through the columns of the press. I believe that some publicity will be directed at the notorious pork barrel and the legislative atmosphere surrounding it within the near future. The smug complacency with which the Post article reviews the situation and brushes aside specific charges of fraud shown to exist in the bill is not a discouraging sign of moral inertia, but rather evidences the legree to which public conscience has been dulled by what the New York Board of Trade terms "log rolling" by a system of "mutual bribery." Members of the House and Senate frankly admit the truth of this statement and denounce the system, repudiating the whole dishonest pork-barrel scheme. Constituents who demand local improvements, whether warranted or wasteful, are primarily to blame. They force Members to stand for some local improvement, and this one improvement becomes but a single stave in the great pork barrel which stands or falls through a union of purposes, good and bad, in a raid on the Federal Treasury.

The Saturday Evening Post article is placed in the RECORD as the best defense the pork barrel can make, although, as stated before, its primary purpose is to forestall public opinion if the iniquitous 1914 bill becomes a law—which the Lord forbid. I could have wished that, with all the splendid influence the Post possesses of a million circulation, the heavy guns of its able corps of editorial writers had been trained against the bill. This was much to expect; and yet I believe it must eventually come to that, however great may be the present home pressure exerted by powerful interests in favor of this bill.

PAPERS THAT REFLECT PUBLIC SENTIMENT.

Mr. Chairman, I could present to the House many columns of strong commendatory editorials from scores of leading papers all over the country that declare the fight is just begun and that the pork barrel must go. An extract from an editorial published by one of the greatest papers in the country, both in circulation and in aggressive efforts for the moral uplift of the country, says:

The Tribune is in sympathy with Congressman FREAR'S disgust with the gigantic evil of the pork barrel, the gigantic waste of public funds on public works which are not public improvements, but merely local grafts.

The foregoing sentiment is respectfully referred to the distinguished author of the Post article for thoughtful consideration. A column editorial from another great daily, possessed of one of the most forceful editorial writers in the country, says, after a careful analysis of the question:

The professed river expenditures are a reproach to every Congress that passes one of these budgets.

Another paper, in a strong, comprehensive editorial, says:

The most notorious of the so-called pork-barrel measures which regularly are adopted by Congress is concededly the river and harbor bill—a system based on politics and so unjust, unfair, unreasonable, and absolutely wasteful that it loudly calls for drastic reform.

The able writer of the Post article to the contrary notwithstanding. Still another daily, in a long editorial, concludes with the uncontrovertible statement that—

the river appropriations constitute the greatest pork barrel that was ever devised.

I could quote from many other strong editorials which have come to my hands all, without exeception, in the same general vein. While the unpleasant task had brought many kind words which are highly prized, it is a disagreeable duty to perform, this taking off of the lid. Disagreeable because I would gladly prefer to serve fellow Members to the extent of my ability, nor would I willingly even inferentially question the motives of any individual Member; but, although I regret having to attack a bill that contains some desirable and meritorious projects, I consider it my duty in a humble way, however futile in effect, to continue to point out indefensible items in and methods of this indefensible pork barrel.

WHY THE PRESIDENT SHOULD VETO THE BILL.

Mr. Chairman, I know the power of the opposition and realize that to expect defeat for the 1914 bill is probably an idle dream. I do hope that its viciousness will be exposed by able men at the other end of the Capitol so as to gain the attention of the public to pork-barrel projects. A conscientious, strong public official as I believe the President to be, will not, in my judgment, remain blind or deaf to the facts concerning this vicious bill, and to him we have a right of appeal. Such appeals have not fallen on deaf ears in the past. I refuse to believe they will fail with an administration which was placed in power because of its promises of public honesty and economy.

Mr. Chairman, the 1914 bill as it passed the House appropriated $43,289,004 in cash and over $76,000,000 in present and future obligations assumed this year. Pending amendments at the other end of the Capitol are reported to increase the cash appropriated to nearly $50,000,000 and present and future obligations to $88,000,000. While considering these enormous figures presented to a waiting public by a Congress pledged to economy, I came across a presidential veto message, promulgated in 1896, that furnishes a model form for ready letter writing when the enormous 1914 pork barrel takes its place upon the witness stand before President Wilson.

In his veto message (54th Cong., H. Doc. 393) President Cleveland denounced the $14,000,000 "humbug and steal" and the practice of running up continuing obligations, of which $310,000,000 confront us to-day. His message reads in part:

To the House of Representatives:

I return herewith without approval House bill No. 7977, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

There are 417 items of appropriation contained in this bill, and every part of the country is represented in the distribution of its favors.

It directly appropriates or provides for the immediate expenditure of nearly $14,000,000 for river and harbor work. This sum is in addition to appropriations contained in another bill for similar purposes amounting to a little over $3,000,000, which have already been favorably considered at the present session of Congress.

The result is that the contemplated immediate expenditures for the objects mentioned amount to about $17,000,000.

A more startling feature of this bill is its authorization of contracts for river and harbor work amounting to more than $62,000,000. Though the payments of these contracts are in most cases so distributed that they are to be met by future appropriations, more than $3,000,000 on their account are included in the direct appropriations above mentioned. Of the remainder, nearly $20,000,000 will fall due during the fiscal year ending June 30, 1898, and amounts somewhat less in the years immediately succeeding. A few contracts of a like character, authorized under previous statutes, are still outstanding, and to meet payments on these more than $4,000,000 must be appropriated in the immediate future.

If, therefore, this bill becomes a law the obligations imposed on the Government, together with the appropriations made for immediate expenditure on account of rivers and harbors, will amount to about $80,000,000. Nor is this all. The bill directs numerous surveys and examinations which contemplate new work and further contracts, and which portend largely increased expenditures and obligations.

There is no ground to hope that in the face of persistent and growing demands the aggregate of appropriations for the smaller schemes not covered by contracts will be reduced or even remain stationary. For the fiscal year ending June 30, 1898, such appropriations, together with the installments of contracts which will fall due in that year, can hardly be less than $30,000,000; and it may reasonably be apprehended that the prevalent tendency toward increased expenditures of this sort and the concealment which postponed payments afford for extravagance will increase the burdens chargeable to this account in succeeding years.

In view of the obligations imposed upon me by the Constitution, it seems to me quite clear that I only discharge a duty to our people when I interpose my disapproval of the legislation proposed. Many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in the aid of public interests.

"UNWISE EXPENDITURE OF MILLIONS."

On the face of the bill it appears that not a few of these alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of millions of dollars new experiments for their accomplishment have been entered upon.

* * * * * * *

Individual economy and careful expenditure are sterling virtues which lead to thrift and comfort. Economy and the exaction of clear justification for the appropriations of public moneys by the servants of the people are not only virtues, but solemn obligations.

To the extent that the appropriations carried in this bill are instigated by private interests and promote local or individual projects, their allowance can not fail to stimulate a vicious paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors, and that the extent to which they are realized may furnish an estimate of the value of governmental care.

I believe no greater danger confronts us as a Nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity, and not as the giver of gifts, and because its mission is the enforcement of exact justice and equality and not the allowance of unfair favoritism.

I hope I may be permitted to suggest, at a time when the issue of Government bonds to maintain the credit and financial standing of the country is a subject of criticism, that the contracts provided for in this bill would create obligations of the United States, amounting to $62,000,000, no less binding than its bonds for that sum.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 29, 1896.*

"WE CALL ATTENTION TO RECORD OF ECONOMY."

Practically every argument urged by President Cleveland against the small 1896 bill applies with far greater force to the 1914 measure, judging from the reports of engineers and the enormous raid about to be made upon the Federal Treasury.

What would President Cleveland have said had he been confronted with the present $88,000 000 pork barrel, a $310,000,000 obligation for future projects, and a river traffic which has decreased over 80 per cent since his day and age? What would Democracy's President of 1896 say, when officially advised that measures costing billions of dollars are now being advocated and supported "by men of national repute"? What would the man of 1896, greater than his party, say upon reading in the Baltimore platform declaration—

We call the attention of the patriotic citizens of our country to the record of economy and constructive legislation of the Democratic House of Representatives.

Or that other sounding declaration—

We denounce the profligate waste of money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses. * * * We demand a return to that simplicity and economy which befits a democratic Government.

When he viewed the monumental hypocrite that is waiting with $88,000,000 in its barrel, knocking at the White House door, he would have said things that ought not to be uttered—even by Presidents. What would Cleveland do to-day if in the White House? What will President Wilson do with this unprecedented "humbug and steal" that is lauded by the Post article?

Mr. Chairman, I have concluded to offer these observations with some reluctance, but I am firmly convinced that the Saturday Evening Post article which has now been incorporated into the CONGRESSIONAL RECORD should not go to the country unchallenged. Believing the article to be misleading in character and shrewdly timed for the purpose of influencing public sentiment and legislation on the 1914 bill, I have expressed my dissent from the views contained in the Post article.

A JOURNAL'S MORAL RESPONSIBILITY.

Every man on this floor familiar with the facts knows that the "inside of the pork barrel" was not presented to public view by that article. I say this with profound regret, because of the far-reaching influence of that great journal. To say that its management has been imposed upon is, I believe, to express the judgment of Congress, whatever may be the verdict on the pork barrel. The moral responsibility to the country of any journal is as great as that of any Member of Congress, while the influence of the Post for good or bad is greater than that of any Member of either branch of Congress, because it speaks to a million people every week. In my humble judgment, its influence cast against the 1914 river and harbor bill would have insured the bill's defeat, because the pork barrel is built in the dark, and it will quickly fall to pieces when exposed to searching publicity.

The author of that article, the gentleman from Mississippi, has given public testimony that my action is based upon the belief that by seeking the defeat of the pork barrel I am serving my country well. I am content to offer no excuse in seeking to have the truth regarding that measure placed before the country. The Post article, sent through the CONGRESSIONAL RECORD, purports to give a view of the "inside of the pork barrel," but its attractive picture, made up of glittering generalities, bears no more resemblance to the Janus-faced, vicious measure of 1914 than a fragrant bouquet bears to the garbage barrel. Surely it is a marked coincidence that the ill-smelling garbage barrel is attractive only to those animals that find their last resting place in another famous barrel dedicated to their kind.

THE BURDEN TO EVERY HOUSEHOLDER.

In my remarks of March 26, following a five days' discussion of the bill in the House, an effort was made to fairly show the true inwardness of the pork barrel, and that analysis was supported by the best obtainable testimony, including reports of examining Government engineers, together with Government statistics, that have not been controverted. The wasteful measure now approximating $88,000,000, as it comes out of the Senate committee, in actual obligations, places an average burden on the head of every family in the country approximating $5. Future obligations which are to be met for this same wasteful purpose increases the average burden to each family head to $15, and for every $1,000,000,000 of pork-barrel projects which are now impending, backed by men of national repute, according to Chairman SPARKMAN'S official statement, the burden will be increased to $50 for the head of every family in the country on the general average. In my remarks of March 26 I sought to present the vast waste of taxpayers' money when viewed from the inside of the pork barrel.

Mr. Chairman, in these remarks here hurriedly presented I have tried to disclose the hidden springs which lurk inside the barrel and which determine its character and its course. Contributions by railroads to influence Congressmen have been shown, as revealed by the statement of the secretary of the Humphreys-Ransdell organization. Masked guns aimed by business interests have been trained upon Congressmen, according to a responsible waterways publication. A $50,000,000 annual logrolling association built around "mutual bribery" is disclosed by one of the greatest commercial bodies in the country. Incidentally it has been shown that the pork barrel has been destroying the river frontage and undermining adjacent property in great cities, wasting millions of dollars annually on a stream in which over $75,000,000 has already been poured, and ruining the 7 per cent remainder of navigation now existing after a 93 per cent loss in 20 years. None of these conditions, which are upheld by testimony from high authority, has been mentioned in the Post article.

WHERE PRESIDENTS CONDEMN, THE POST APPROVES.

Opposed to the judgment of the gentlemen from Mississippi and Louisiana, who give the "inside of the pork barrel" their approval by its incorporation in the RECORD and by the secret campaign waged in favor of the Humphreys-Ransdell $60,000,000 bill, I offer the disapproval of public men who have believed they were serving their country well by public condemnation of the barrel. President Cleveland, among other severe criticisms, wrote that many of its objects are not related to the public welfare but are for the aid of private interests. That is notoriously the case in the 1914 pork barrel. President Taft declared:

I once reached the conclusion that it was my duty to interpose a veto in order, if possible, to secure a change in the method of framing these bills.

He was dissuaded only because no bill had been passed for three years. The 1914 bill is open to every objection urged by President Cleveland and by President Taft. A distinguished Senator declared the whole system is a "humbug and a steal," and no one in the Senate questioned the utterance. Another Member of the upper House once declared, "The people will not forever stand silently by and see this reckless, this wasteful expenditure of their money." Can we question that statement?

These opinions, judging from editorial utterances I have received from leading papers in many different States, are shared by the country at large. So far as my knowledge goes not one reputable newspaper in the country has said any good words for the 1914 notorious pork barrel. It is shunned by leading journals as a class, and few people have the hardihood to defend the hypocritical measure in aid of navigation. I append editorials from two of the greatest newspapers of the country, whose fearless utterances on public shams have rendered great service to their country. They reflect the general sentiment expressed in a score of others and in many letters that have come to me on the same subject.

[From the Chicago Tribune of Monday, June 1, 1914.]

THE GIANT GRAFT OF THE PORK BARREL.

Readers of Tribune editorials not infrequently encounter the word "pork," and doubtless think they comprehend what is meant. We have no doubt our readers do know what we mean by "pork," but of the importance of the word and of the cost of "pork" to the Nation we are afraid a very small proportion are informed.

"Pork" is money taken from the public till ostensibly for public improvements, but actually to build a Congressman's fences. "Pork" is an appropriation made by Congress from the United States Treasury ostensibly for the construction of some public work of benefit to the public, but actually to benefit Congressmen, either by pleasing local pride or profiting some private interest of influence upon the Congressmen's fortunes.

"Pork" does not mean money spent on necessary and beneficial public improvements, the construction of which legitimately belongs to the Nation. "Pork" is money of the public spent for private benefit, money of the Nation spent for local profit. "Pork," in short, is graft and a graft so tremendous that compared to it all the direct peculations and profits of which dishonest officials have been guilty in the history of the Nation are as a molehill to a mountain.

One of the chief forms of "pork" is harbor and river improvements. The aggregate of money which is wasted under guise of river and harbor improvement would stagger the Nation if it were ascertained. For years this waste has been going on, not merely in the form of projects which had a reasonable excuse for being and which only experience could prove unwise, but in the form of numberless projects which had no excuse from the beginning, which were plain steals made possible only under the system of logrolling.

Year after year some Congressman, usually a new hand, has fought this "pork" graft to find that his most unchallengeable objections, his most eloquent protests, were remorselessly ignored. The latest of these forlorn hopes was led by Representative JAMES A. FREAR, of Wisconsin, whose work in committee and whose speech in the House March 26 against the pending river and harbor bill brought out the evils of "pork barrel" legislation and unscrupulous logrolling with commendable courage.

It is difficult to select from the examples offered in Representative FREAR'S speech because there are so many that illustrate the inexcusable waste in this field of public expenditure. To many readers the case of the Kissimmee will appeal. This river is in Florida and is dry several months in the year—in 1907, 8 months; in 1908, 5 months. But it has been under "improvement" since 1903 and has had $30,400 spent on it. There is a politician and ex-Congressman interested in selling a tract along this river to settlers from the North.

Then there is the Coosa River project, planned in 1890 and modified in 1892, providing for 23 locks and dams at an estimated cost of $5,106,422. By June, 1909, $401,372 had been expended in completing 4 per cent of this enterprise, and the engineers reported in that year that "on account of the numerous rapids this part of the river has never been navigable," that "as yet—after 19 years—no benefit has been derived from this improvement, and its value is entirely dependent on the completion of the entire system." In 1913 the engineers reported that "a small commerce in the rafting of logs and square timber can only be carried on when the river is about 12 feet above low water, and no reliable estimate of its value can be ascertained."

The amount required for the completion of this great public enterprise is $6,059,913.

The harbor and river bill appropriates $43,289,004. New projects started in 1914 will, if carried on, involve a further expenditure of $33,000,000, so that the "pork" to be paid or promised in this bill comes to the tidy sum of $76,000,000.

If Representative FREAR exaggerates when he declares that nine-tenths of this great sum will be wasted, he will be excused by anyone who reads the long list of cases he cites. Certainly public opinion should be aroused to this gigantic graft. The President would do a public service by vetoing the present bill, not only to prevent the waste directly involved but to call nation-wide attention to the whole evil of pork.

The Tribune will return to this subject.

[From the Washington Times, Thursday, May 7, 1914.]

THE FREAR RESOLUTION.

Congressman FREAR, of Wisconsin, on March 26, delivered a remarkable speech in the House. The river and harbor bill was his subject, and he made a telling analysis of the measure. Taking up project after project, he quoted from the engineering reports to show conditions surrounding them and the pitifully small volume of traffic that could possibly be benefited by enterprises for which hundreds of thousands of dollars were asked, demonstrating that the measure as a whole plainly aimed to distribute a lot of Federal money as equitably as might be, rather than to devote it to work that would be of substantial value.

Mr. FREAR'S speech demonstrated that he had made a great study of the subject. He followed it on May 4 by introducing a concurrent resolution which probably will be duly smothered for the present, but which contains an idea that is certain before many years to be adopted.

This Frear resolution sets forth that, while these appropriations have increased 500 per cent per annum, navigation on the rivers has fallen off 80 per cent. Projects now adopted, or contained in the pending bill which is expected to pass, involve a future expenditure of $305,000,000; surveys are authorized for projects costing another $100,000,-

000; and other huge projects are now being insistently advocated which would involve billions. Mr. FREAR declares that many millions have been spent in the past on rivers to benefit navigation, and that these projects have since been abandoned as of no value and represent a dead loss.

In short, Mr. FREAR presents a startling indictment of the whole river-improvement program, insists that most of the money spent on it—several hundreds of millions—in the past has been wasted, and that unless there is a change of policy billions more will go the same way, and he winds up his resolution with a direction that the Interstate Commerce Commission shall investigate and report on the whole subject. Among other things, he would have the commission find out how much value there is in the $305,000,000 worth of projects to which the Government is now committed, what virtue there is in the billions of dollars' worth of additional projects that are insistently demanded, and what are the organizations, interests, etc., boosting them. He wants to know about paid lobbyists in this connection, and requires detailed information as to all river and harbor improvements begun and afterwards abandoned, and how much this waste has aggregated. He asks the commission to learn whether it is true that certain privately owned canals, whose stock is practically worthless, are being unloaded on the Government for huge figures, and why. He yearns for light, too, as to the extent of the property values that would be benefited by certain great river improvements that are urged; and he wants to be informed why States and cities along the Mississippi, for instance, should not pay a big slice of the expense for flood protection and the like of which they would be the beneficiaries.

In short, Mr. FREAR has cut out for the Interstate Commerce Commission a job which it couldn't possibly handle and for which it has no possible indictment, but, none the less, a job that very decidedly ought to be attended to. It should be given, not to the Interstate Commerce Commission, but to some other body. Perhaps the Department of Commerce is the right authority. Anyhow, the broad investigation that Mr. FREAR wants is demanded by the enlightened sentiment of the whole country.

We have spent hundreds of millions on our waterways; several times as much, for instance, as Germany has spent on hers. Yet at the end what do we see? Germany has restored a vast and fast-increasing traffic to her rivers; we have let the traffic be driven from our rivers. Germany has got immense returns from its river investments; we have wasted ours, for the greater part, and are going right ahead to waste more.

Some organization, coordination, and practical judgment in the selection of projects would make the river expenditures worth while. They are not worth while now. They are a reproach to every Congress that passes one of these budgets. The Frear crusade will accomplish some good and useful results if Mr. FREAR will stick by his guns and keep right on fighting till he gets a hearing.

Mr. STEVENS of Minnesota. I yield 15 minutes to the gentleman from Ohio [Mr. FESS]. [Applause.]

Mr. FESS. Mr. Chairman, I am in sympathy with the purpose of the program that has been announced on the trust legislation by the authors of the bills. [Applause.] You are applauding too soon. The purpose of the legislation, as it is expressed in every speech made upon this floor in support of the various measures can not, I think, be objected to. Part of these bills I favor. I shall give my support to the interstate trade commission, and do it heartily, because I believe it supplements the Sherman law, that in a sense has been effective, but not entirely so. However, this ineffectiveness is due not to the law so much as to the administration of it.

I am not satisfied with this measure now before us and can not now give my approval of it. If it is amended along the lines suggested by Mr. STEVENS of Minnesota, I will support it. I hope it will be so modified. The measure that was laid aside to-day, the Clayton antitrust bill, is a measure seeking to do a thing that I have desired to see done for years. As a student for some time of the subject of concentration and control, as set forth by the investigations of Dr. Van Hise, Bruce Wyman, and a great number of experts, such as Dr. Ripley, Prof. Jenks, and Prof. Ely, I have well-defined convictions. This bill is designed by its proponents to regulate big business, without destroying the small man, but I can not see that this bill is reaching the thing that you men think it will reach. My belief is not the result of prejudice, not a desire to avoid responsibility. I have tried to be absolutely honest in my own mind. I have come to this proposition in this spirit of an open mind. If it were introduced in a Republican Congress and I could see my way to support it as a Republican measure, I would support it in this Democratic Congress, introduced by a Democrat. I have come with that open mind, rather to be fair to myself as a legislator. But if I am not mistaken, you are not striking the monopoly as you think you are, and you are striking the small business man as you think you are not. In other words, you are not hurting the enemy of business, but you are distressing the friend of it. When you deny the exclusive contract to the large business corporation, in order, as you profess, to insure competition for the small man, your limitation will not in this law interfere with monopoly, because you allow the big business concern to supersede the small dealer to whom it sells its goods by putting in his place its legal representative, a man who becomes its agent, and upon a contract where the title does not pass from the corporation to the seller, but where the seller is simply a distributor of the goods of the corporation. In such a law you are not harming the corporation, you are not lessening the danger from the big man, but you are interfering with the little man, whom you are superseding by the agent of the big man.

By this act, if it becomes a law as it now stands, the great anthracite-coal corporations will cease to make exclusive contracts with the various retail dealers in the country, but it will not interfere with the corporation sending its agents as distributors to the various localities. No one will seriously contend that such displacement of the retailer will hinder the corporation in its monopolistic tendencies, but most people must see its effect upon the retailer. What is true of anthracite coal will be true of every big concern which approaches monopolistic dimensions. It will assist the tendency of concentration without providing the necessary control we all seek, and at the same time to the distress of the small dealer.

I tried to put these questions to the men who are the proponents of the bill. They say that my fears are unfounded; but I am confident that when the Standard Oil Co. does not sell to an individual under an exclusive contract, because of the limitation in this law, that will not interfere with the Standard Oil Co. putting a distributor of its goods into every little town. To-day the exclusive contract can be reached under the Sherman law if it can be shown that it either produces monopoly or is in restraint of trade. To-day this remedy can be reached without affecting the small business man. Under this law as proposed you invite the Standard Oil Co. to distribute its products through agents instead of through the middle man. You do not reach the company, but you do affect the thousands of middle men.

Mr. GORDON. Will the gentleman yield?

Mr. FESS. I yield for a question.

Mr. GORDON. Has not the Standard Oil Co. got a distributing agent in every town now?

Mr. FESS. Yes; it may have, but that does not change this provision any, and I am referring to that simply as an example. What it has done you invite every big concern to do under this bill, and I take it that is the thing you do not want to do. This injury to the small man is not confined to the exclusive contract in the bill. You do it in the price discriminating provision, if I can read the matter right, and I have tried to be honest in this matter with myself.

You forbid the sale of goods except upon quality and quantity at different prices. I know your purpose, which is good. But your purpose will not be realized. This feature will not hurt the monopoly, but it will hurt the small dealer.

I have no great dealers of monopoly proportions in my district, so far as I know. But I have a most highly intelligent group of small dealers. Note how this bill operates upon them. Take, for example, the shoe industry. My constituent can not enter the market in competition with the Douglas shoe concern. The latter has its organization represented by the hundreds of representatives. It does not need to discriminate in price to secure trade, to develop a new field. The campaign of advertising, the personal persuasion of its representatives are the means to do that. This law does not harm that firm. But take the small shoe manufactory in my district, limited in its output because of its inability of developing new trade. This concern, without its agents and its campaign for new business, is denied under this law to reduce the price upon the initiation of the contract, as an inducement to take consignment, unless the same reduction is made in places where trade is already established, upon penalty of a $5,000 fine, a year imprisonment, or both.

How will the small man compete in the market with the big man? How will he develop any new trade? Wherein do we see the harm to the big man? Wherein do we see the good to the small man? I can not see it in the bill.

This is not the only feature I fear. The denial of an operator of a mine to choose his own customer is serious. In a year I have an occasion, as the president of a college, to order about 300 tons of coal. Suppose I choose not to purchase from a coal dealer in my town. I order directly from the mine. This law, in section 3, compels the operator to sell to me if I am responsible. Who is to say whether I am responsible. If he refuses arbitrarily, whatever that means—and of course that will require the courts to say—he will be subject to a fine of $5,000 and a year's imprisonment or both.

That is not all; he must not sell to me higher than to another in my town. In other words, the only way the coal dealer can buy at less price is in the question of quantity. In that case the dealer must know how much I ordered to know what he can pay. What effect will such a provision have upon the hundreds of small operators of mines? What effect will it have upon the retail dealer in the country over? Again, you do not disturb so much the few great operators, but think of the confusion of the small operator and the retailer.

I voted for the amendment which declared that labor and farmer organizations as such shall not be considered as con-

spiracies under the Sherman law. I would not vote for any measure that would deny either labor or farmers the right to organize for mutual helpfulness. Upon the other hand, I would not vote for any law that would exempt either from punishment for the violation of law. This amendment which I supported allows organization of these various interests, but it subjects them to punishment under the law if they do unlawful acts. I have no doubt myself upon this provision; however, there seems to be some dispute among the Members. This feature should have been clearly stated so that the courts would not have been necessary to decide it. When the direct question was put to the chairman in charge whether the bill permitted a secondary boycott, he replied it did not, and he would not vote for a measure that did. Then an amendment was offered specifying that it did not authorize it. This the committee refused to accept. It should have accepted the amendment. The bill is at fault in the sense that it lacks clearness. It will take the courts to define its meaning. This is another reason for my withholding my support.

That being the case, for these reasons, as well as others, I will have to withhold my support of this measure. I believe it catches business going and it catches it coming. Business is already in the air, and it will be more so than ever before if this act becomes a law as it goes out of this House, especially if not modified materially.

Mr. Chairman, I do not believe that the country is as much interested in this particular line of legislation as you gentlemen think it is. It would like to have Congress adjourn. The people demand it. The press demands it. Business wants a rest. I do not think this Congress is interested in this line of legislation as much as you gentlemen think it is. I do not want to be cruel. It is my nature to approve. No man in this Chamber has heard me say anything ugly purely for partisan advantage, for it is not my nature to do so. But I want to prove to you that the Democrats in this House are not interested in this legislation. Some of us have been in constant attendance in this Chamber for the past 14 months. What does the small attendance upon the sessions signify? I have kept the roll of the Democratic side of the House for the last 10 days, making an actual record every 30 minutes, and I have it in my pocket, and I would like to read it to you to show that this Democratic Congress is not interested in this legislation. The only Democrats interested seem to be the President and the members of the Judiciary Committee. And even they, I am persuaded to think, would like to be relieved in response to the demands of the country. You are not here to take part in the discussion, and a quorum is not here now, and I can easily show you that even presidential persuasion is not sufficient to compel interest in these measures.

Mr. ADAMSON. Will the gentleman yield?

Mr. FESS. I am always delighted to yield to the gentleman from Georgia.

Mr. ADAMSON. I thank the gentleman; he is always fair and courteous. I understand the gentleman's remarks just made apply to the bill which was laid aside to-day from the Judiciary Committee.

Mr. FESS. Yes; I refer to the last 10 days.

Mr. ADAMSON. And not to the stock and bonds bill?

Mr. FESS. No. I am not suggesting a lack of interest in your measure.

Mr. HEFLIN. Will the gentleman yield?

Mr. FESS. Yes; with pleasure.

Mr. HEFLIN. The gentleman suggests that he has been keeping a record of the attendance of Members on this side of the House. I would like to ask him if he has kept a record of the presence of Members on the other side of the House.

Mr. FESS. I knew that you or some one else would ask that question.

Mr. HEFLIN. I will ask the gentleman to look on that side of the Chamber now and compare it with the attendance on this side.

Mr. FESS. I repeat that I knew that you or some one else would ask the question. I did not count the Members on the Republican side of the House, except to satisfy my own curiosity now and then, because the country will not hold the Republican side of the House responsible for legislation in this Congress, with 145 Democratic majority.

Mr. TAYLOR of Arkansas. Which side is "this side"?

Mr. FESS. "This side" of the House is responsible for legislation. "This side" is the Democratic side and that side is the other side. [Laughter.]

Mr. GORDON. Will the gentleman yield?

Mr. FESS. Yes; certainly I will yield to my colleague.

Mr. GORDON. Upon what theory does the gentleman claim immunity for the Republicans? You draw the same salary on that side that we do on this.

Mr. FESS. A great many people in this world think there is nothing except drawing salaries. I am not so much concerned about that.

Mr. RAKER. Before the gentleman reads the roll, will my delightful and learned friend yield for a question?

Mr. FESS. I could not help it now. [Laughter.]

Mr. RAKER. Would the gentleman's record of the attendance compare favorably with the House as it is now? There are present in the House and in the lobbies 14 Republican Members and about 50 or 60 Democrats.

Mr. FESS. Such inquiries are not a satisfactory excuse for the majority party to fail to maintain a working quorum.

Mr. MONDELL. It will be noticed that the gentleman said "in the lobby."

Mr. FESS. I want to say to my friend from California that he can not draw me away from the point at issue. This is a Democratic Congress, not a Republican, and the responsibility for legislation is with you. I want to impress this fact, that while the President, for whom I have the highest regard, as everybody knows, insists upon our enacting this legislation the country would like to have us adjourn and go home. Mr. UNDERWOOD said in this Chamber recently that the country needs a rest, and under ordinary circumstances you would agree with him; but under the new tutelage of the Democracy the Congress lingers with empty seats. I do not believe that the facts here prove the statement of the President that it is wise to finish the operation.

To prove it I am going to read the record. May 21, roll call to secure quorum at 12.30; at 2 o'clock, with the appropriation bill, carrying nearly $7,000,000, before the House, Democrats in the House, 15. At 2.30, VICTOR MURDOCK on the floor discussing the interstate trade commission, Democrats in the House, 16; 2.43 o'clock, 11 Democrats in the House; 3 p. m., 16 Democrats in the House; 3.15, 18 Democrats in the House. At this time Gov. MONTAGUE, the distinguished Member from Virginia, was speaking most learnedly and effectively upon the interstate trade bill and there were but 18 Members of your party here by actual count. At 5 o'clock a roll call was ordered to secure a quorum.

Friday, May 22, 11 a. m., Journal read, 10 Democrats present; 11.15, point of no quorum was made; 2.30 p. m., 30 Democrats present; 3 p. m., 25 Democrats present; 3.30 p. m., 22 Democrats present; 4 o'clock, with the Clayton bill, the antitrust legislation under discussion, and Mr. WEBB on the floor, 28 Democrats present; at 8.20 in the evening, 26 Democrats present.

Saturday, May 23, antitrust bill in discussion; 11.15 a. m., 14 Democrats present; at 11.30 a point of no quorum was made; at 3 o'clock p. m. 22 Democrats were present; at 3.30 o'clock p. m. 14 Democrats were present; at 4 o'clock p. m. 16 Democrats were present; at 4.30 p. m. 14 Democrats were present; at 5 o'clock 16 were present. At this time the President's message was received. We then adjourned with 15 Democrats in the House. Just before adjournment a unanimous-consent request was made by the gentleman from North Carolina [Mr. WEBB] to modify the rule which provided for evening session so as not to have a meeting that night, but to have the House adjourn over until Monday. Pending the request, it was stated the reason to be that no one was ready to speak, when everybody knew that a quorum was impossible.

Mr. TAYLOR of Arkansas. Is it not true, according to the gentleman's report, that the gentleman was the only Republican present at all of these times?

Mr. FESS. Oh, I am not doing this in jest. I am informing the country of the lack of interest, especially among the Democratic Members, in the subject before us.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. FESS. Certainly.

Mr. RAINEY. Is it possible that the gentleman from North Carolina made the statement that there was no one present who wanted to speak and the gentleman himself was here? [Laughter.]

Mr. FESS. Oh, I would not expect to have time yielded to me by the gentleman from North Carolina [Mr. WEBB], whose measure I am not supporting. The gentleman's sarcasm is accepted.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield?

Mr. FESS. Oh, I think I can read to the gentleman more interesting matter than he can give to me.

Mr. HEFLIN. Just one interruption.

Mr. FESS. Very well.

Mr. HEFLIN. The gentleman has cited instances where there were only 12 and 14 and 16 Democrats present. How can he account for the fact that the Republicans were unable to get in any amendments, when they have one hundred and thirty-odd Members in the House? Where were they?

Mr. FESS. It is not a matter of Republican legislation in a Democratic Congress. If it were, the country would know the difference. It is a matter of your people being here. On Monday, at 11 o'clock a. m., there were 12 Democrats present. I have the names of them here. At 11.30 there were 28 present in the House, and Mr. TAGGART had the floor, producing argument worthy of the House. At 12 o'clock there were 37 Democrats on the floor, and at 12.25 the House adjourned on account of the death of Senator Bradley. On Tuesday, May 26, the Journal was read at 11 o'clock, and at 11.10 o'clock a. m. there were 19 Democrats present, and the antitrust question was under consideration. Keep in mind that all speeches made, even in general debate, were confined to the issue. At 11.30 a. m. there were 28 present, at 1 o'clock there were 19 present, at 2 o'clock there were 9, and at 2.30 there were 18 and at 3 o'clock there were 24. At 3 o'clock and 2 minutes the point of no quorum was made, and when the point of no quorum was made the Chair announced that there were 62 Members present altogether, Democrats and Republicans.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. FESS. Certainly.

Mr. HARRISON. Was that the afternoon when I saw the gentleman and the leader of the Republican Party, Mr. MANN, at the ball game?

Mr. FESS. No; indeed, it was not. At 4 o'clock there were 56 Democrats present, with Mr. CARLIN speaking. At 4.55 there were 28 present, when we took an adjournment.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. FESS. Certainly.

Mr. DECKER. Would the gentleman undertake to say that there were only 56 present when Mr. CARLIN made his speech?

Mr. FESS. There were 56 Members present at 4 o'clock, with Mr. CARLIN speaking. I would not make a record that was false. There could be nothing gained by that.

Mr. DECKER. He spoke about three hours. How many were present when he started?

Mr. FESS. He used 1 hour and 13 minutes of the 2 hours and 18 minutes yielded him. The point of no quorum was made to secure an audience for him. I suggested to him myself that I would make the point if some one else did not. My friend from Connecticut [Mr. DONOVAN] came to the rescue.

Mr. BRYAN. I submit that is a delicate question.

Mr. FESS. I should like to state to my genial friend that I have kept this account in this way: At 2.30, at 3, at 3.30, and at 4. At 3.02 the point of no quorum was made.

Mr. DECKER. How many were present after the point of no quorum was made?

Mr. FESS. The gentleman can consult the RECORD.

Mr. DECKER. I understand; but how many were here during the speaking?

Mr. FESS. I kept the count. I have no other record except at 4 o'clock.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. STEVENS of Minnesota. I yield the gentleman five minutes more.

Mr. FESS. We will now take the next day—Wednesday. At 12 o'clock the point of no quorum was made. At 1 p. m. there were 20 Democrats present, at 1.45 p. m. there were 11 present, and at 2 o'clock there were 8 present. At 2.30 there were 7 present, at 3 there were 12 present, and at 3.30 there were 13 present. On page 9338 of the CONGRESSIONAL RECORD we find that there was a division called for, and the record vote was ayes 6, noes 10. On page 9340 of the CONGRESSIONAL RECORD we find another division was called for, and the vote was ayes 4, noes 6.

Mr. GARNER. Was not that on Wednesday when they were discussing the codification bill?

Mr. FESS. That is on May 27, Wednesday. That does not change fact any. The Democrats were not here.

Mr. ADAMSON. Mr. Chairman, I will yield the gentleman one more minute if he will allow me one more question.

Mr. FESS. Certainly.

Mr. ADAMSON. In the gentleman's opinion, would it not afford some relief from this deplorable situation and give these lusty orators a better attendance on hot days, if you gentlemen who have an interlocking interest in both the baseball game and the proceedings of the House could adjust an allotment and division of the time, so that you could attend one in the afternoon and one in the forenoon, and have a quorum at both places. [Laughter.]

Mr. FESS. I hope the gentleman does not include me in the interlocking arrangement, because I am not a baseball fan.

Mr. ADAMSON. The gentleman did not deny being at the baseball game when the gentleman from Mississippi [Mr. HARRISON] asked the question.

Mr. FESS. Well, I was at the baseball game once. [Laughter.] You remember my record shows we adjourned one day at 12.25.

Mr. BARKLEY. Will the gentleman yield?

Mr. FESS. I yield to the gentleman.

Mr. BARKLEY. Was the House in session at the time the gentleman from Ohio was at the ball game?

Mr. FESS. I presume it was, unofficially, probably over at the ball park. I am not sure as to that. And so the record runs. I will admit that the last two days we have had a better attendance and it shows up fairly well. The interest in the labor items of the bill seems to be attractive to absent Democrats. I have the record here, and this is what I have in mind, not to twit anybody and not to put anything that is hurtful to anybody in the RECORD. I have the names and could give them, but I have no desire to do that, for it would not add to my purpose to show that this Democratic Congress is absent. I repeat that the average membership here is wanting to give the country a rest. While we are in session formally, we are exemplifying "watchful waiting" beautifully. I do not believe that the country demands this sort of legislation designed to unsettle all business. Here is the greatest institution on earth. We are dealing with the country's business, that amounts to a hundred and thirty billion dollars of wealth. It is the greatest business on earth, and yet when we have proposed acts that look to the very life of business we do not have a quorum here, and that at a moment when the President insists we must stay here and do this specific thing. I am not ugly nor facetious when I call attention to the fact that our presence in th's Chamber and our participation in the discussion do not indicate that we believe the business is important as we seem to believe. I am going to state another thing, which appears to me important at this stage.

Mr. BARKLEY. Will the gentleman yield?

Mr. FESS. I can not yield, because my time is going so rapidly. I want to say another thing. On the 17th day of last September I called attention to an incident that created laughter on this side of the House. I said, discussing that provision of the currency question where it provides the receipt of Federal notes in the payment of duties which heretofore were required to be paid in gold—I said at that time that you are providing a method by which you reduced the sum of gold in the Treasury. I desire to quote here what I then said, as taken from the RECORD of September 13, last year:

> Now, if you mean to maintain the gold standard and make it the redemption money in this bill, just observe what you are doing. Look at the burden which is put upon gold. First we have $346,681,000 in greenbacks, with $100,000,000 in reserve to keep them at par. This reserve fund, under law, must not be intrenched upon, even at the cost of issuing bonds. We have over $2,000,000 of Sherman notes out of the $156,000,000 of original issue, and we keep $50,000,000 of gold in the Treasury to maintain them at par. Then we have over $1,000,000,000 of gold certificates out in the country, and the gold funds must be kept without infringement to maintain the redemption of these certificates if the holders should call for them.
>
> Then listen. We have in silver certificates and silver dollars nearly $700,000,000, all of which since 1900 must be redeemed in gold. At least the Government is compelled to keep them at a parity. Add to the greenbacks, to the Treasury notes, to the gold certificates, to the silver certificates, to the silver dollars, an unlimited amount of United States notes—Federal notes—provided in this bill, and where will you get the gold to redeem all of that? That is the question. What provision are you making for the gold?
>
> Listen, men. Instead of your providing for an increase of gold, you are keeping the gold supply out of this country by a provision in this bill. You say the Treasury note shall be receivable for customs, and customs have always been paid from the beginning in gold in order to supply our gold needed for redemption. Where on earth will you get the gold? You can not pick it off the trees; it can not be found that way. We collect it through the revenue officers in the customhouses of the country; but here, instead of doing with these notes what you did with the greenbacks, what you have done with the national-bank notes, what you really do with the certificates, both gold and silver, you make them acceptable for the payment of customs, whereby every note that you receive in payment of customs will deplete the gold to that degree. While you are providing for an increased demand for gold, if you mean to preserve it as a standard, you are cutting off the real source of its supply.
>
> Mr. BARTLETT. Will the gentleman yield?
>
> Mr. FESS. I will yield to the gentleman from Georgia.
>
> Mr. BARTLETT. It is true that the national-bank note and the silver certificates can be received now for customs.
>
> Mr. FESS. The national-bank note can not. I would not say as to the silver certificate, but am inclined to think not.
>
> Mr. BARTLETT. They pay customs duties now in checks by a recent law.
>
> Mr. FESS. The checks are redeemable in money which ultimately is gold.
>
> Now, here is another question that I want to ask the Democratic Members. They will not agree with me in this, but I think it is worth while to think about it. Your tariff measure is professing to collect from imports into the country a large sum of money, and by your competitive system you promise a large increase of importations. If through the Underwood bill you increase the importations to this country to the point, which you might reach, of turning the trade balances against us instead of for us, so that we will be buying more goods from Europe than we are selling, then the balance will have to be settled in gold, the money of international exchange. If you reach that point, th's country will be drained of its gold. Between the two bills, the tariff measure, which provides for an increased importation, and the currency bill, which provides for receiving notes instead of gold for customs duties, between these two plans you are increasing the demand for gold and reducing the supply at both ends.

Mr. Chairman, less than nine months ago I called the attention of this House to a danger growing out of the two Democratic measures—the tariff and currency. I warned you against turning a marvelous balance of trade against us. This balance of trade must be paid in gold. You provided for a greater demand on gold and at the same time you reduced the ability to supply it by a provision in the currency bill. In addition your tariff measure, you were told, might necessitate gold being sent out of the country, and you laughed at my statement when I made it. Now look at the figures. One year ago last April we exported from this country goods worth $54,000,000 more than we imported. In other words, we sold $54,000,000 worth of goods more than we bought. That was under a protective tariff. This April, six months after the Underwood bill took effect, we imported into this country how much? Study these figures. We imported thirty-seven and a half million dollars more than in April a year ago. In April of 1913 the balance of trade was in our favor to the amount of $54,000,000. We imported this April thirty-seven and a half million dollars more than we did a year ago. We exported this year $27,000,000 less in April than we did a year ago. Note the result: The balance of trade in our favor in April, 1913, under the Payne law, was $54,000,000. In April, 1914, it was $10,000,000 against us. That is not all. The flow of gold has reversed and is now toward Europe. Since January 1, 1914, over $31,000,000 in gold have gone out of this country to Europe. For the first time in 20 years we are buying from the foreign producer, employing foreign labor, more than we are selling of American production, employing American labor.

Note the current of business. Our imports are piling up at a dangerous figure. When these imports are analyzed the surprising fact is that imports of raw materials have decreased. The vast increase is in the finished product. That means the raw material once imported to be worked into the finished product by our own labor is now retained in Europe to be worked there into the finished product. That means the labor once employed here to work up the raw material is now shifted from the American workman to the foreign workman. We do not buy the raw material, but we do buy it after it is worked into the finished product. Our exports have greatly fallen off, which means the finished product, once made here by our workmen and sold in the foreign market, is now being increasingly made in the foreign market. There can be but one result. The American producer, employing our own labor, must see his product displaced by the foreign product. If he does not wish to retire from business he has but one alternative, namely, place the wages of this country where he can compete with the wages producing the foreign competitive article. Mr. METZ well said on the floor of this House that hundreds of businesses were today running at a loss to keep their labor employed and their organization intact. This statement from this Democrat of the Empire State is at once true and patriotic, as well as courageous. Last Sunday I was in Youngstown, Ohio. I asked an attorney friend, a Democrat, about the business of his city. He replied, "It is bad. About 50 per cent of our labor is employed."

The business situation can well be discerned by news items taken at random from various quarters of the country. Note a few:

On May 23, there was a deficiency in the general fund of the United States Treasury of $40,007,771, against a surplus of $3,113,815 last year—a difference "to the bad" of $43,121,586.

April imports were $172,640,724, against $146,194,461 in April, 1913. Domestic exports in April were $158,996,394, a decrease of $37,237,312 as compared with April, 1913. The excess of the imports over exports in April was $10,271,872.

Gross earnings of United States railroads making weekly returns to Dun's Review continue in moderate volume, the total so far for the first two weeks of May amounting to $12,616,493, a decrease of 7.4 per cent, as compared with the earnings of the same roads for the corresponding period a year ago.

The New York Sun gives a succinct statement of the situation in the following words:

Six months experiment with President Wilson's recipe for "sharpening the wits of American manufacturers" by opening our doors to the manufacturers of other parts of the world has given four very definite results:

First. An increase in importations of manufactures.
Second. A slowing down of our own factories.
Third. A falling off of the exports of manufactures.
Fourth. A falling off in revenues.

The official record for the first half year of the tariff law's operation is now available, the Department of Commerce's statement of imports and exports for the month of March completing the following figures for the six months.

INCREASED IMPORTS OF MANUFACTURES.

Imports of manufactures have materially increased, the quantity of manufacturers' material drawn from abroad has been greatly reduced, exports of the products of American manufacturers have fallen off, and the receipts from customs are far below the normal.

The value of finished manufactures imported in the six months' operation of the law, October 1 to April 1, is $228,000,000 against $215,000,000 in the same period of last year; the value of manufacturers' material imported is $469,000,000 against $517,000,000 in the corresponding months of last year; the value of manufactures exported is $541,000,000 against $582,000,000 in the like period of last year, and the receipts from customs are but $140,000,000 against $165,000,000 in the same months of last year.

A MOUNTING DEFICIT.

Meantime the deficit in the Treasury accounts continues to mount, yesterday's official statement showing the "excess of ordinary disbursements" for the fiscal year $37,097,955, against an excess of revenue receipts of $7,395,700 for the same period of last year, when the much berated Payne tariff was in operation, or, to put it in ordinary terms, a deficit of $37,000,000 this fiscal year against a surplus of $7,333,000 at this time last year. Of course, the administration is depending on the income tax to pull it out of the hole.

In every month of the period in which the new law has been industriously "sharpening the wits of American manufacturers" by bringing in foreign manufactures at reducted rates of duty the customs receipts have fallen below those of the corresponding period of last year.

MORE FINISHED IMPORTS, LESS MATERIALS.

In five of the six months the imports of finished manufactures have exceeded those of the same months of the preceding year; and in four of the six months the imports of manufacturers' materials and the exports of manufactures have fallen short of the record of the corresponding months of last year.

True, the first month of the new law did show on its face a lower valuation of manufactures imported than in the same month of the preceding year, but this was due to the fact that much of this class of merchandise had been imported and placed in warehouse in the preceding month, thus appearing in the import records of September, while the goods in fact entered in October under the new law. In every other month of the period the imports of finished manufactures is greater than in the same months of last year.

A PROGRESIVE INCREASE.

This increase in the imports of finished manufactures has been progressive. The closing month of the period showed also larger total imports than any other, $183,000,000, against $133,000,000 in its first month. On the other hand, the exports of domestic products have steadily fallen, the figures for October, 1913, having been $269,000,000 and in March, 1914, only $184,000,000. This seems to illustrate the fallacy of the Democratic theory that "if you don't buy, you can't sell."

The imports in the six months increased more than 37 per cent, while the exports decreased more than 31 per cent in the same period.

It is in the persistent fall in the importation of manufacturers' materials, however, that there is the gravest concern. No part of the machinery of the Government gives such excellent opportunity to measure the activities of the manufacturers of the country as does the record of the imports of their requirements for manufacturing and of the manufactures which come in competition with them.

NOT DUE TO LOWER PRICES.

It can not be said that the fall in value of manufacturers' materials imported is due to lower prices An examination of the detailed records of the period shows in many cases much smaller quantities of the various materials brought in.

The total quantity of raw cotton imported in the six months under the new law is only 51,000,000 pounds, against 79,000,000 pounds in the same period of last year; pig tin for use in the tin-plate factories, 37,000,000 pounds, against 46,000,000; hides and skins, 280,000,000 pounds, against 295,000,000; rubber, 62,000,000 pounds, against 63,000,000, and in many other articles of this class there is a like falling off in quantity imported.

In those articles of manufacture in which the duty was reduced in order to "sharpen the wits" of their producers at home, there has been a striking increase in importation and in most cases a corresponding decrease in exportation, due, apparently, to a slowing down in production by our manufacturers.

In tin plate, for example, in which the duty was decreased about one-third, the imports of the six months under the new tariff were more than 33,000,000 pounds, against less than 3,000,000 in the six months of last year, an increase of 1,000 per cent, while the exports fell from 74,000,000 pounds in the six months of last year to 43,000,000 pounds in the six months under the new law.

LEATHER AND COTTON.

In leather and its manufactures, in which the duties were either removed or largely reduced, the imports increased more than 40 per cent, while the exports declined about 15 per cent.

In cotton manufactures, on which there was a reduction of duties, the imports show an increase of nearly $5,000,000, while the exports show a falling off in total value, despite the fact that the Department of Commerce is industriously tooting its horn about the wonderful work it is doing in finding markets for our cotton goods.

Duties on iron and steel manufactures were reduced and the exports of iron and steel manufactures have fallen $30,000,000 in the six months' period.

Meantime the talk about increased supplies of food and reduced prices through removal of duties on foodstuffs is making manifest its real qualities. The records of the six months show an importation of 83,000,000 pounds of fresh beef in that period, or about 2 ounces a month for each individual in the United States.

The official records of the Department of Commerce show that prices at which the importation occurred were more than 30 per cent higher in March under the new law than in September, the last month of the old law, while on many other of the articles on which duties were reduced the prices abroad were promptly advanced.

This is not confined to the manufacturer. It is bound to reach the American farmer in an increasingly hurtful result. Note the items of interest to the farmer.

Last week Argentine corn was offered in Chicago for June and July shipments.

The New York Times noted a sharp decline of exports from the United States to the South American countries in the early part of the year, but unprecedented importations of corn, fresh beef, cattle, hides, and wool.

Does it take a prophet to foretell what the American farmer will say at his earliest opportunity what his opinion is of such a policy or a party supporting such a policy?

He does not relish such news items as this:

One day last week a steamer from Liverpool, England, brought to Philadelphia 103,000 pounds of Argentine beef and 360,000 frozen eggs which had come all the way from China.

The situation of the Treasury is not encouraging with a deficit of $40,000,000 in the revenues in the last six months of the fiscal year. No one can yet tell what the income tax will bring forth. We now hear some mutterings that the tariff is to be restored upon sugar, an industry that is destined to probable total destruction unless some relief is forthcoming. I take this from a Washington dispatch to the Cincinnati Enquirer:

WASHINGTON, *May 31.*

The administration, facing a Treasury deficit and fearing destruction of both cane and beet sugar industry through free sugar, is about to reverse its free-sugar policy by amending the Underwood tariff law to retain a duty of 1 cent a pound on sugar.

It is estimated such a duty will yield to the Federal Treasury annually about $37,000,000. The Treasury is now running short on revenues about $500,000 a day while awaiting collections from the income tax and other sources. It is the opinion of both sugar-cane growers in Louisiana and sugar-beet growers in Colorado that the 1 cent a pound duty will permit those industries to survive. It is contended still that they will not be profitable except under the most favorable economic conditions.

Acting for the Democratic administration, Secretary Redfield, of the Department of Commerce, has had experts make a study in Louisiana of the actual cost of raising sugar cane and of its reduction into raw sugar. The Louisiana sugar planters insisted that free sugar would make it impossible for them to compete with Cuban-grown sugar cane. Many of them went out of the sugar-cane growing business, and sugar plantations are now on the market selling for nominal prices.

Even Untermyer, whose utterances are the final word for this administration, has admitted that business is bad. When the Representatives of my State and that of Illinois, representing at least 30,000 employers employing 1,000,000 men and an industry amounting to three-quarters of a billion dollars, asked the President to suspend further legislation that business might get on its feet, the President's reply was that the business situation is psychologic. It was a state of mind. The Philadelphia Ledger then put the pertinent query:

Can an extra dose of psychology give back to 2,000,000 railroad owners that $98,000,000 which their properties have lost in eight months this fiscal year, compared with the year before the Wilson régime started?

Is it only a dream or a concrete fact that 1,000,000 workmen are now out of a job?

Can a mental state account for the amazing reversal in America's international trade figures, where a monthly excess of exports ranging up to $50,000,000 has turned into a balance against us of $10,000,000 for April?

Does mere sentiment reduce our steel mill output to 60 per cent of its capacity? Was it hysteria that blew out 15,000 Pennsylvania coke ovens?

No; it was not a "merely psychological" notion that unloaded American-made traffic from 230,000 freight cars and put them out of commission. Baldwin's didn't discharge more than half their employees out of pique.

Building operations in the United States have not fallen greatly simply to create political sentiment. Our bankers are not sending shiploads of gold to Europe to spite somebody.

When securities have been liquidated in 18 months to a level $2,000,000,000 below their former value the country is not suffering psychologically, but concretely.

It is an outrageous mockery for those whose excessive legislative meddling is largely responsible for our present trade ills to pretend that the people who have suffered the loss and who are out of work are themselves to blame.

The President says there is "nothing more dangerous for business than uncertainty." But his party has left business in no uncertainty whatever, except as to the extent of the calamity which it may inflict.

One of the best business barometers is the idle car surplus. The following comparison of the first six months of 1913, when still under a protective system, with the first six months under the Underwood bill will be enlightening.

AMERICAN RAILWAY ASSOCIATION REPORTS A NET SURPLUS OF 238,642 CARS ON MAY 15.

Following is a table showing the surpluses and shortages in the last year at various recent dates:

1914.	Surplus.
May 15	239,406
May 1	230,533
April 15	213,324
April 1	141,525
March 15	132,010
March 1	159,480
February 14	199,385
February 1	211,960
January 15	217,274
January 1	190,521
1913.	
May 31	60,291
May 15	61,269
May 1	53,977
April 15	70,715
April 1	68,792
March 15	57,998
March 1	58,529
February 15	52,700
February 1	62,045
January 15	53,230

Mr. Chairman, this situation of the country in the first six months of the Underwood tariff will not be greatly relieved by the promise of the most bountiful harvest of crops ever known. This feature will assist but it will not relieve the situation.

Democrats may call us calamity howlers; they may ridicule the recital of facts; but whistling to keep up courage is not a substitute for confidence. The President may declare it a mere state of mind, but even Christian Science, whatever spiritual efficacy it may possess, does not claim to dominate the laws of trade.

Cabinet members may indict us as "little thinkers," but innuendo or epithet will not restore the prosperous condition of our people of 1912.

Statesmen may declare the depression is world-wide; but that does not answer the query, Why is it coincident in this country with Democratic administration?

No. Mr. Chairman, it would be wise for the Congress to adjourn and give the country a rest.

I now repeat what I said on April 25, 1913, when I declared that the Underwood bill ought to be entitled "An act in the interest of foreign countries as against the United States." I then declared that if the bill passed history would repeat itself; that the only way the Democrats would reduce the cost of living would be to destroy the purchasing power of the consumer.

I leave it to any fair-minded citizen whether history is not repeating itself; whether the cost of living will be reduced by this administration except by disruption of business.

While the leaders of this administration attempt to make believe that it is only a mental state, I now warn them that by the time the ides of November appear a new awakening will come. Ere that time the people of the country will have spoken. I am perfectly willing to leave it with them; and I am sure I but repeat the real situation when again I say the most anxious moment of the people of this Nation is that glad time when they can issue the order of dismissal to the majority party now oppressing the industrial life of the Nation. I have no doubt of the issue.

Mr. ADAMSON. I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, we have Members here, it seems, for all purposes. [Laughter.]

Mr. ASHBROOK. General purposes?

Mr. HEFLIN. A gentleman from Ohio [Mr. FESS] has been occupying a seat on that side, who came here recently for the sole purpose, it appears, of keeping tab on the membership of this side——

Mr. ADAMSON. A timekeeper.

Mr. HEFLIN. Yes; he has constituted himself the official timekeeper, or political record writer, of the remnant of Republicans now left in the House. [Laughter.] I would like to know of the gentleman how he kept up with the attendance of the House on the day that he was at the ball game. [Laughter.] I would like to know if the gentleman would insert in his speech the situation that we see here now, with 80 Democrats——

A MEMBER. Eighty-five——

Mr. HEFLIN. Eighty-five Democrats and 18 Republicans and Progressives altogether. [Laughter and applause.]

A MEMBER. Thirteen——

Mr. HEFLIN. Thirteen. Worse and worse. [Laughter.]

Let me remind the gentleman from Ohio that he will have trouble in explaining back home just how 14 Democrats could outvote the entire Republican membership of this House. Somebody will ask where were the Republican Members. [Laughter and applause.]

"Why was it that you did not get certain provisions in the bill?" they will ask you. "If you Republicans were there, you could watch your opportunity and when you caught the Democrats napping you could put your amendments over." But where were the Republicans——

A MEMBER. At the ball game. [Laughter.]

Mr. HEFLIN. On the two or three occasions mentioned by the gentleman there were more Democrats here than Republicans? The gentleman knows that when these bills are introduced, Members see them, and when the committees act upon these bills and report them, and when the reports are printed, the Members read them, and they know just what is in the bill; and often during general debate on the measure they do not all of them remain in the Hall to hear the speeches; but the gentleman knows that whenever they are needed to pass the bill they are right here to vote.

It is true that this side is responsible for legislation, and I want to say to the gentleman from Ohio that when we finally leave this Hall at the end of this session, with an income tax upon the statute books, with a tariff for revenue only upon the

statute books, with a banking and currency law upon the statute books, and with the trusts of this country regulated in the interest of justice and fair dealing, the gentleman may look for an overwhelming Democratic majority in the fall election. [Applause on the Democratic side.] And the man who sits at yonder end of the Avenue in the White House, the people of the country will say to him and to us, "Well done, thou good and faithful servants." [Applause on the Democratic side.]

Mr. ADAMSON. Does the gentleman from Minnesota desire to proceed further now?

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. HULINGS] 20 minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. HULINGS] is recognized for 20 minutes.

Mr. HULINGS. Mr. Chairman and gentlemen, I do not know how far afield this discussion will be permitted to go. I think it has already gone to some distance remote from the bill itself which *is now* under consideration. But I am reminded of the fact that the Democratic Party accounts itself responsible for what is done here, and properly so, though it is generally regarded as simply an agent "ungrudgingly" doing what is directed to be done from the other end of the Avenue.

We were reminded to-day by the gentleman from Illinois [Mr. MANN] of the differences between the Republican Party and the Democratic Party and the Progressive Party, of which he said I was a little leader [laughter], thereby doing me altogether too much credit, and it seems to me that this is a good time to consider—at least, I am desirous of the opportunity to place before this House—what I regard as the fundamental differences between these parties.

Mr. Chairman, I find at page 4382 of the CONGRESSIONAL RECORD a speech purporting to have been delivered in this House by the gentleman from Ohio [Mr. FESS] when the appropriation for the Department of Agriculture was under consideration. It is labeled, "The Future of the Progressive Party."

It is greatly to be regretted that the distinguished author, who always delights the House with the graces of his utterances, embalmed his "prophecies" in the pages of the CONGRESSIONAL RECORD, although there they will doubtless serve as a campaign document equally well as though they had been actually delivered in the House.

The speech is evidently designed as a coat of whitewash for the present leaders of the Republican Party, who control its methods and policies, and would serve admirably as a bid for the Republican nomination for governor of Ohio if the gentleman has ambitions in that way. [Laughter and applause.]

But Republican leadership needs disinfectants, not whitewash. [Laughter.]

The gullibility of the average college president when he takes a hand in politics is generally recognized by the astute leaders of the boss system, and they are constantly "setting springes to catch woodcock." [Laughter.]

The boss system feels most nowadays the need of "respectability," and in the learned professions, especially those most remote from practical experiences and activities, they secure "respectability" by inducing men of the character of Chancellor Day of the Syracuse University, President Butler of Columbia University, President Fess of Antioch College, and gentlemen of like high personal character and political credulity, to become their advocates, apologists, and adherents. [Laughter and applause.]

Mr. FESS. Will the gentleman yield?

Mr. HULINGS. No; my time is very short; I hope the gentleman will excuse me. The speech abounds in much learning, in specious argument, and false logic. The gentleman's prophecies will surely cause his "clients" to smile at his ardor in their defense and gratefully to acknowledge the cloak of respectability with which he drapes the pirates who have seized the organization of the Republican Party. [Applause and laughter.]

Mr. BRYAN. Good! That is right.

Mr. HULINGS. The learning displayed is interesting and abundant, but the reader of the speech will be at a loss to reconcile some of its statements.

In one paragraph the gentleman says "the Republican Party owes its rise and growth to no single issue." In the next paragraph he says "the rise of the Republican Party was wholly due to the attitude of the leading parties upon the all-embracing issue before the people," the "inherent wrong of the traffic in human beings."

The speech is designed to show that third-party movements never succeed, or, more specifically, that the Progressive movement can not succeed.

And then he gives his reasons. He says third-party movements contain these prominent elements:

1. Young men who know their ability and truly discern the motives of the leaders, and, discerning, abandon faithless leaders(?).
2. Reformers.
3. The clergy and the scholar in politics.
4. Discredited leaders.
5. Soreheads.
6. A class whose chief motive is to punish its party; those whose unsettled minds are a fertile field for the cheap magazine, with its penny-a-line articles of protest.
7. Citizens who feed their "distrust upon the food of popular magazines" and "mutterings of suspicion."

These, according to the honorable gentleman, furnish a large portion of all third-party movements—of course referring particularly to the Progressive Party—and the conclusion, of course, is that it can not succeed.

But the Republican Party was a third party. It contained "preeminently" these elements, and logically, therefore, could not succeed. But as a matter of fact it did succeed, and it succeeded because the gentleman's philosophy and fine "writin'" is not true. It succeeded precisely for the same reason that the Progressive Party will succeed, and that is because it rose from the hearts of the people when the old party leaders no longer responded to the public will. [Applause.]

In all these movements, whatever number of the people leave an old party, taking with them the jealousies, disappointments, selfishness, suspicion, and "unsettled minds" that the gentleman insists compose third-party movements, they naturally take back with them when they return to the old party. If the gentleman is correct, would not the old party be better without them? Why, then, this anxiety that they should return? If the old party has gotten rid of the cranks and the soreheads, why do they want them back? [Laughter.]

According to his view the people who remain in the old party monopolize the wisdom and patriotism and "settled minds." But how is it when the boot is on the other foot?

Suppose party leaders, usurping the tremendous power of a great national party organization, build up a system, with its ramifications in every State, county, and township, buttressed and supported by enormous official patronage and by a great party newspaper press, financed by the trusts, the railroad, the banking, and other great business organizations whose interests it serves; suppose, in short, that the iniquitous "boss system," as it is known of all men "slates" all candidates from President down to poundmaster and uses the tremendous power of the "machine" to elect them, making the "system" autocratic in the party and intolerant of public demands; and suppose in such case the bulk of the party, the youth, the thinkers, the readers, the scholars, the reformers, the dissatisfied, rise in mass and leave the party, as 4,200,000 of them left the Republican Party in 1912, proving beyond all doubt by this unprecedented movement, country wide in extent, that the party had failed to satisfy the people or to respond to the public will, what do *they* gain by a return to the party, under the same discredited leadership, that continues to flout these demands, regarding them as the "frenzy of the mob"?

The gentleman makes a brilliant defense of the protective tariff, which has been overturned by the Democratic Party, but he fails to say that this overthrow was the result of the long-continued practice of the boss system to use the protective tariff to deal out special privileges to big business, and by the failure to keep promises made to the people to reduce the tariff to proper protective schedules. If the Republican bosses had kept faith with the people there would have been no division in the party, no Democratic victory, and no assault upon the protective tariff.

It is impossible to enact a proper tariff law, involving thousands of kinds of goods, when the legislator must vote yea or nay in gross for all in a single bill, always with scant information. The only rational way is to consider each schedule alone, after full information has been laid before Congress by a nonpartisan scientific expert commission.

This is the ground taken by the Progressive Party which for this very reason makes it a better protective-tariff party than the Republican Party. The Progressive Party is thoroughly committed to the protective-tariff policy, while in the present Congress both the Republican and Democratic Parties voted against the nonpartisan commission proposed by the Progressive Party, and among the opponents of this rational common-sense measure the distinguished gentleman from Ohio was found.

The gentleman's tributes to Lincoln and the Republican Party are quite aside from the mark.

It is quite unthinkable that Lincoln, if living, would be found in the company of PENROSE, Barnes, SMOOT, Guggenheim, Crane, ROOT, and men like them who, in the broad light of day, overthrew the plain will of the people at Chicago in 1912 and for years had been secretly doing the same thing. [Applause.]

The off-hand dictum of the gentleman that "the leaders invariably reflect the conviction of the people," like most of his conclusions, simply is not true. [Laughter and applause.] If it was true third-party movements never would occur, and

neither the Republican nor Progressive Parties would ever have been organized. There would have been no excuse for a revolt.

The Sherman antitrust law was never intended by the bosses of either party to become operative. For many years it was a dead letter, until Theodore Roosevelt gave it vitality in spite of the wild clamor of the special interests and their subsidized press that he was "disturbing business." The exposures in insurance and banking circles and the Beef, Sugar, Tobacco, Oil, and Railroad Trusts, and the revelations of the "working arrangements" between big politicians and big business created a frightful stench. It was called muckraking, as a term of reproach by those who had no reprobation for the corruption exposed. It did disturb business. Prosecutions have been ineffective. The antitrust laws need amendment; but again the cry is heard from stand-pat leaders and the press of both parties, "You are disturbing business," "Persecution," "Give business a rest." And so the proposed amendments by the Democratic administration would treat the predatory trusts very gingerly and "very nicely."

But it was precisely because Roosevelt did not treat the "interests" nicely that he was opposed by them. He had the whole country behind him, but he was confronted by the opposition of the "leaders" of the Republican Party and their bipartisan allies. He was turned down by them at Chicago and hated by them ever since, not because he was not a good tariff man, not because he was not a good Republican, but because he attacked the citadel of special interests, which was "garrisoned" and defended by the leaders.

For more than a generation the people protested against the iniquity of rebates and discriminations in railroad freights; valiantly did the railroads and the "leaders" oppose legal regulation. After a law was enacted, efforts to render it nugatory were never relinquished, and no sooner was Mr. Taft elected than he signalized his surrender to big business and the "leaders" by proposing an administration bill which, if passed, would have been a substantial repeal of the laws regulating railroads, and the "leaders" would have succeeded in enacting the law except for the opposition of some of the "unsettled minds" and "insurgents," who were read out of the party by the "leaders" and put on the patronage black list by President Taft for their opposition. [Applause.]

The gentleman holds a possible gubernatorial nomination and the good will of the "leaders" too close to his eye to get a true view of the situation. His belittling of the Progressive Party and his defense of the corrupt leadership that split the Republican Party in twain is a performance that an artist would call a "pot boiler." It is not the best work he can do, but it is the kind of work that will best serve the present plight of Republican leadership.

Beyond all question, if the people had not been robbed at Chicago of their right to name the candidate of their choice, the platform of the Republican Party would have been substantially the platform on which the Progressive Party now stands.

The people favor the things for which that party stands. No other proof of this is needed than the fact that large elements in the old parties call themselves Progressive Democrats and Progressive Republicans; and even the standpatters, the stipendiaries of privilege, the "kept" editors, and the very high priests of the boss system are now finding the erstwhile despised Progressive doctrines so popular that they are lustily claiming that they themselves are the only Simon-pure Progressives.

Every man cherishing the Republicanism of Abraham Lincoln can join the Progressive Party without the surrender of a single tenet of his beliefs. He abandons nothing except a leadership that wrecked his party and disgraced its name. [Applause.]

The Progressive recognizes that the chief function of government is the mutual protection and helpfulness of all. His face is set against the boss system, which plunders the many that a few may flourish.

The difference between the Progressive Party and the Republican leaders is fundamental. The Progressive Party believes that the people are of right the source of all power in government. The right of the people to rule is the bedrock of American liberties and the foundation of the Progressive movement in America.

The Republican leaders believe that this is a Government by a "representative class" that knows better than the people what the people ought to have.

Now, the beliefs of the boss system, if it can be said to have any moral perceptions [laughter], never stand in the way of anything necessary to achieve its purposes, but it pretends to believe that the people are really incapable of self-government and must be muzzled lest they bite themselves. [Laughter.]

The fact is that "government by a representative class," called more properly by the shorter name "the boss system," is utterly unrepublican. It is actually "class" government, that always has and always will use the powers of government for the advantage of the "class." And that is precisely what all the trouble is about. [Applause.]

This, as I conceive it, is the vital reason why Progressives should not return to the Republican Party while it is dominated and controlled by leaders who do not, as the gentleman fondly believes, "invariably reflect the conviction of the people," but who do not even believe the people have intelligent convictions. [Applause.]

The basis of my hope for the success of the Progressive Party is that the rank and file of all parties need no argument to convince them of the crying need of political reforms, will come to realize the futility of the hope of securing these reforms by voting the old party ticket for candidates "slated" by the boss system and sooner or later will see in the destruction of that hateful system their chief public duty and, as practical men, will join the Progressive Party.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENS of Minnesota. How much more time does the gentleman desire?

Mr. HULINGS. I would like about five or six minutes more.

Mr. STEVENS of Minnesota. I yield to the gentleman five minutes.

Mr. HULINGS. A world-wide social movement is stirring every civilized country to the depths. You find it in England, you find it in Germany, you find it in Australia, and all over the world. It is the awakening of an enlightened democracy; it is the quest of humanity for betterments; it is the groping, searching, yearning of mankind for an enlarged social justice; it is the recognition by the plain people of their rights and their might; that class legislation is social injustice, robbing the masses of a fair share of the products of labor and depriving the people who do the real work of the world of an equitable division of the advantages and ameliorations of civilization.

It is a great evolutionary development of man's equality and brotherhood. The fundamental purpose of all society, all government, is mutual protection and helpfulness. This is the heart and soul of the progressive movement in all lands. The "classes" for centuries have muzzled the masses. This movement proposes to muzzle the wolves of society.

This great movement is confusing and disrupting party lines in all foreign countries. The same effect is seen in our own country. Disorganization and realignment is going on in both the old parties. Irreconcilable elements are found in both.

Men call themselves Democrats who have nothing in common. The fact that they distinguish themselves as Bryan Democrats and Murphy Democrats, as progressive Democrats and standpat Democrats proves the process of realignment.

In the Republican Party standpat Republicans and progressive Republicans have nothing in common. PENROSE and CUMMINS both call themselves Republicans, but they are as far apart as Wilson and Murphy, who both call themselves Democrats.

The rank and file of the old parties by a vast majority believe in the progressive doctrines, but it is idle to expect them to be adopted by a party that is half standpat and half progressive.

The Progressive Party is the only party that is unitedly and consistently progressive.

It sets out a great program of social reforms that are dear to the hearts of the people, and it alone offers the hope that they will be realized.

Gentlemen need not deceive themselves. This great, swift-moving evolution can not be sidetracked. As surely as the "rivers run to the seas" there will be a realignment of parties. On the one side will be a liberal progressive successful party, that will move with the present, that will grasp from the future by the hand of faith and endeavor better things in life and government than we now dream of, and on the other side will be a standpat reactionary party, that may be useful as the necessary brake.

What the name of this great successful party shall be matters little to the people. The substance of these reforms and not party names concern them.

But whatever name it is known by, it must be a party that is all progressive, and at present there is only one such party. The Progressive Party is already blazing the way, which the leaders of both the old parties, though at heart despising the Progressive Party and its doctrines, are haltingly and grudgingly following step by step.

Party organization is essential in republican forms of government. Without it the necessary concert of action can not be secured. With it naturally goes leadership. But long continued in power, the leaders are prone to become arrogant, self-sufficient, maintaining themselves in power, long after they have

ceased "to reflect the convictions of the people" by an unscrupulous use of money and machine politics, and government not by the people, but by the "boss system," is the result.

This is the trouble with the Republican leadership. It has not kept step with public sentiment. It has chosen instead the road to political death. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENS of Minnesota. I yield to the gentleman two minutes more.

Mr. HULINGS. The Democratic Party, now in power through a division of the opposition, burdened now by the responsibilities of a dominant party, is pursuing precisely the same methods that divided the Republican Party, and which will inevitably divide it.

Upon the great questions—the tariff, civil service, trust control, railroad regulation, monopolies, social justice, the right of the people to rule—the old parties are torn and divided in factions; only in pernicious use of the caucus, the gag, secret committees, and the boss system do they agree.

No man can choose either of them and be sure of what he is getting. The powerful indictment of the Democratic Party by the gentleman from Kansas [Mr. MURDOCK] for the arrogant use of the "gag rule" and the "secret caucus" saw the Democrats sit speechless. The Congress has ceased to be a really deliberative body. It goes through the motions of debate and consumes time in sham discussions of measures that are predetermined by a single mind. Instead of "pitiless publicity" we have had the most secretive administration known to American politics. Democratic Members of important committees never knew what bills they would report until the party boss issued his orders.

When the party boss gave his orders that we should have no more rights in the Panama Canal than any other nation, except the right to pay the bills, he gave no reasons. When he demanded that our markets be thrown open to foreign manufacturers, on the plea that it would reduce the cost of living, it was a grave mistake.

To provide places for Democratic officeholders the Democratic Party violated the civil-service reform in three distinct assaults. Our Diplomatic Service has fallen—I do not like to say into disgrace—into doubt.

Mr. ALLEN. The River of Doubt. [Laughter.]

Mr. HULINGS. The American flag is no longer a protection to American citizens in foreign lands. The spectacle of an American fleet of warships sailing from Tampico and leaving nearly 2,000 American men, women, and children to seek and get protection from a British warship should cause every American cheek to blush with shame.

The Progressive Party alone is united, keeping step with enlightened, progressive public sentiment.

The bulk of all parties is just as desirous of good government, just as honest and sincere as the Progressives can be. They continue to vote their old party ticket, conscious that things are wrong, but earnestly hoping for reforms within the party, failing to see that by following leaders that do not believe in "government by the people" they are losing the substance of reforms by supporting the "machine" that makes reforms impossible.

The Democratic "machine" cries "Stick to your party or the Republicans may win." The Republican "machine" cries "Come back into the party or the Democrats will win again." This is the strongest plea the Republican leaders can make, for the general public is sick of the Democratic tariff and wants a protective tariff, but the general public is not likely to forget that these same leaders so abused the tariff when they controlled it that the general public put a majority of Democrats in this House before there was a Progressive Party.

The Progressive Party makes a better plea. It believes in a protective tariff, but it wants an honest tariff, and no logrolling and special privileges. It stands for what the people have demanded for years. It is at war with the entire boss system. It believes in government by the people; it believes that through governmental agencies a larger measure of social justice can be secured; it believes that it is the business of the Government to see that the powerful do not oppress the weak; that the weak and the average man are protected from the strong.

It believes in newer and better things; it believes in endeavor and progress; it believes in itself and the great American people and their capacity to maintain a cleaner and a wiser Government. And for these things the true Progressive will stand firm. [Applause.]

Mr. ADAMSON. I yield to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, we have listened this evening, as this House is frequently called upon to listen, to a one-sided, unfair presentation from a partisan standpoint of matters transpiring here and in the Nation by the gentleman from Ohio [Mr. FESS]. This evening he carefully read statistics as to the attendance on this side of the House during these long speeches, when very few feel like attending, and carefully refrained from reading any statistics as to the much smaller attendance on that side of the House. I have noticed that during the progress of legislation in this House when the vital time comes to overcome those tendencies and influences that have dominated this country for 16 years under the Republican Party he finds, and the country finds, every Democrat here in his seat, on guard back of the banners of Democracy, seeing that real Democratic principles prevail and win in the battles on this floor. [Applause on the Democratic side.]

He quoted carefully the statistics as to imports and exports during the month of April of this year. He did not discover these statistics; he did not dig them out. They were figures quoted in the Senate a few days ago by Senator SMOOT. The gentleman from Ohio [Mr. FESS] quoted them again on this floor without paying the slightest attention to the complete reply made to Senator SMOOT by the Secretary of Commerce. Here is what Secretary Redfield had to say about Senator SMOOT's figures, which Senator SMOOT presented a little while ago in the Senate, and which the gentleman from Ohio presented here this evening as discoveries of his own.

Secretary Redfield, in reply to Senator SMOOT, said:

> Looking back to the last time when imports exceeded exports, we discover that it was while the Payne-Aldrich law was in effect that this event took place.
>
> The trade balance in our favor during the 10 months ending with April, 1910, was $170,931,416, or over $300,000,000 less than during the 10 months ending with the present April. Not only so, but during the first year of the Payne-Aldrich tariff law five months showed the imports in excess of the exports, and one of these months—March, 1910—showed an excess of imports of $19,341,578.
>
> Any statement as to the effects of a tariff based upon figures for six or eight months is necessarily illusive; but if the present tariff is to be judged that way and condemned because of the excess of imports in one month since its passage, what shall be said of the Payne law when in a like period after it came into effect there were three months in which the imports exceeded exports? And in one of these that excess was nearly double that about which so much is now said.

It is true of tariff making in this country that it frequently happens that there are some months soon after the new bill goes into effect when the imports exceed the exports. For some months there is a balance of trade against us. That is probably due to the fact that importers bring here foreign goods and manufacturers of foreign goods are seeking under new tariff conditions to establish in this country, where tariff rates have been changed, a new trade for themselves. We have tried to place on the statute books a tariff for revenue only in accordance with the principles of the Democratic Party.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. I will yield to the gentleman five minutes more.

Mr. RAINEY. As I said, Mr. Chairman, we have tried to place on the statute books a tariff for revenue only and we have succeeded. We have not tried, as the Republican Party has in their tariff laws, to protect the profits of the manufacturers in this country, and we have not done so. We have not injured them in any way. They are manufacturing just as much as they ever manufactured. We are consuming more and more every day in this country than we ever consumed before. We have succeeded in our attempts. At the close of business to-day we had collected within $100,000 of as much money as we expected to collect at our ports of entry during this entire fiscal year. [Applause.] In other words, at the going down of the sun to-morrow night, if we did not collect another dollar at our ports of entry from that time until the last day of this month, we would have collected as much money as we expected to collect under the estimates furnished by the Ways and Means Committee on the last day of this month. [Applause on the Democratic side.]

The Underwood bill is what we tried to make it—a tariff for revenue only. We have wiped out every vestige of the old war tariff, and we will find on the last day of this month that we have collected at our ports of entry $20,000,000 more than we expected we would have collected on that day. [Applause on the Democratic side.] Customs receipts for the present fiscal year under the new tariff law will exceed the committee estimates by $20,000,000. For every one of the 25 working days during the month of May we collected over $832,000.

Mr. FESS. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. FESS. What is the reason for the depression in business to-day?

Mr. ADAMSON. It is in the minds of the Republicans.

Mr. RAINEY. The reason for the depression in business is that it is world-wide. There is a readjustment of conditions the world over, and there is in certain lines of industry a depression in business. It is more imaginary than real, due to

just such speeches as the gentleman from Ohio is capable of making. [Laughter and applause on the Democratic side.]

Mr. FESS. Will the gentleman yield?

Mr. RAINEY. No; I can not yield longer, for I have not the time.

Mr. FESS. Why is it in Democratic times?

Mr. RAINEY. The depression in business is general all over the world. It is felt less here than in other parts of the world. It would not be noticed here at all if it were not for the efforts of Republican politicians to convince the country that there is a business depression.

Mr. FESS. Will the gentleman yield?

Mr. RAINEY. I have not the time. If I can get more time, I will be glad to yield later to the gentleman. Just a few months ago we heard of a great army of unemployed gathering in various parts of this country ready to march in overwhelming numbers upon this Capital, demanding work for the starving laborers of this country. The general in command of the army lived in the gentleman's own State, and he started from there.

Mr. FESS. And he is a Democrat.

Mr. RAINEY. He is a prophet of calamity, as is also the gentleman from Ohio. He attempted to gather together his hosts from all over the country, and once in a while we heard that straggling bands of recruits were coming to join his army. A few days ago they arrived here in the city, and I, with some others upon this side of the House, went out to interview this tremendous army of unemployed. We found that it consisted of seven men, one woman, and a mule. [Laughter and applause on the Democratic side.] All the rest of them had yielded to the seductive opportunities for employment on the route and were at work. Finally this magnificent army marched up the center steps of the Capitol and this distinguished general from the gentleman's own State, the twin prophet of calamity with the gentleman who just interrupted me, made his speech out there on the steps in front of the Capitol.

Talk about the tariff law not being successful, talk about approaching hard times! I will tell the gentleman what is approaching now. Down in Oklahoma and for a thousand miles across parallels of latitude the northward march of the self-binder is commencing; and I advise the gentleman to tell his friends who are out of employment to go down to Oklahoma and to Nebraska and to Missouri and to Illinois, and we will give them all work in our wheat fields at $2.50 and $3 a day. [Applause.]

On 46,000,000 acres the wheat is ripening under the summer sun. We are producing this year not an ordinary crop of wheat, but a bumper crop of wheat. Soon our granaries will be filled to bursting with the garnered grain. In the great wheat fields of the West there is work enough for all at from $2.50 to $3 per day during all of the summer months and almost until the frost comes. I am aware that this is not good news for Gen. Coxey and the gentleman from Ohio and all those others who delight in prophesying hard times under a Democratic administration. We all recall the events which occurred during the recent Republican panic of 1907. On every hand was heard the crash of failing banks. Can the gentlemen on the other side of this House call attention to failing banks at the present time?

Our exports have held their own in spite of the fact that we have almost ceased to be an exporter of corn, our greatest agricultural product. Last year there was a shortage of nearly 700,000,000 bushels, and the exportation of that product has almost ceased.

No man can criticize this Democratic Congress upon the theory that it has failed in its duty to the country. We are able to call attention to the following remedial legislation, all of which has passed the lower House of Congress, and the greater part of which is written into law. We have enacted in the short period we have been in control more legislation in the interest of labor than the Republican Party ever accomplished or even attempted to accomplish during the entire period of its supremacy, the lowest tariff law written since the war, an income-tax system demanded by the people for a quarter of a century, one of the most effective parcel post systems in the world which has already compelled important reductions in express rates, the opening up of Alaska, Government aid for roads, election of Senators by direct vote of the people, effective campaign publicity measures, the reforming of our currency legislation. We submit that this is a record of performance, of promises kept, not equaled by the Republican Party during its entire existence as a party, and we have but just entered upon the period of Democratic control.

Our income tax did not become effective until March 1 of this year. It was not expected that payments would be made until after the first day of the present month, and yet men subject to the payment of an income tax commenced to pay long before the first day of this month. Up to the end of May we had collected on our corporation and income taxes $10,557,221.31. We are collecting more corporation taxes than have been collected before. Our miscellaneous receipts are about the same as they always have been. Our internal revenue, exclusive of corporation and income tax, at the end of the present fiscal year will about reach the average figure, from two hundred and ninety to three hundred million dollars. When we placed on the statute books the Underwood tariff law we estimated that the receipts for the fiscal year, which ends with the last day in the present month, would be slightly over $270,000,000. When the sun goes down to-morrow night we will have collected at our ports over $270,000,000, and there will remain yet 23 working days in the present fiscal year, on each one of which the revenues collected at our ports ought to be nearly a million dollars. I might also call attention to the fact that since our Post Office Department has been under Democratic control the postal deficiency has been reduced from $463,874.31 to $686.34. The country will be satisfied at the end of this fiscal year with our stewardship. We have kept the faith. From the strongholds of trusts and law-defying corporations, accustomed to profit at the expense of the people by legislation passed by this body, come the only murmurs of discontent and disapproval.

Carrying out the traditions and the history of the Republican Party in recent years, its leaders upon this floor are giving voice to the disapproval coming from these sources. We have not tried to obtain the approval of that class of business in this country which asks special favors from this body at the expense of the great mass of the consumers of the country. We have been true to the principles of the Democratic Party and the teachings of its great leaders. As a unit both Houses of the Congress have stood back of the Democratic administration and have made it possible to enact into law these great measures. We propose to continue true to Democratic theories, keeping our pledges to the last, proceeding in the course we have laid out. We have confidence in the man at the wheel. We know how to avoid the rocks. We do not fear the storms. In the sky the sun is shining. A new day is here.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Mr. Chairman, laws are necessary in order to restrain those who would take an undue advantage of their fellows.

He who would reap where he has not sown by extorting from his fellow man by means of monopoly or combination in restraint of trade violates a principle of justice for which he should pay a penalty and be enjoined from a repetition of such practices. In modern commercial and industrial life, with all its complexities, intricate and far-reaching ramifications, it is possible for an ingenious and evil-minded business man to so cover his tracks that the ordinary individual may not be able to discover wherein the rights of the masses are being encroached upon. From the dawn of civilization to the present time the evil inclinations in the breasts of some men have ever prompted them to take undue advantage of others, and this will continue to be true until man's nature has undergone a change and he accepts and practices the teaching of "doing unto others as he would be done by."

Many efforts have been put forth to prevent in one way or another by law the unjust practices in commerce and industry. At each stage of development through the genius of the human mind it has been found possible to evade the law, due in a large measure to the fact that the laws have been made in too definite or specific terms. It is well known that while certain individuals are endeavoring to construct burglar-proof safes, at the same time other individuals are planning to blow them, and usually succeed. So it is with a law applying to monopoly and unlawful combinations in restraint of trade. When an attempt is made to include in a law in definite terms what shall constitute an offense, all else is, under all rules of construction, excluded, and immediately the designing individual, together with his legal experts, begins to formulate plans to evade the specific provision of the law.

Any monopoly or unlawful combination which purposely restrains trade for gain at the expense of the masses is wrong, no matter under what guise or in what manner the result is attained. Therefore, I have always felt that the general terms of the Sherman antitrust law were wise, and I feel now that any attempt to specifically define illegal combinations would be a mistake. There are but two things to be considered, in my judgment, in the enactment of a law of this character to correct such abuses.

First. Outlaw all persons and corporations operating purposely in the undue restraint of trade to the detriment of the people, and having in mind the destruction of competition to the end that harvests may be reaped where not sown.

Second. Provide the machinery to obtain the facts, and then, with an honest administration, results will be achieved.

I stand ready now to support any proposition that will compel fair and honest competition between American business men, giving each in his sphere a fair opportunity to pit his genius and ability against that of every other man. I am not opposed nor ever have been to honest "big business," where the "big business" has been established by honest efforts and the efficiency of the men in control of the "big business," for I realize that in "big business" there is economy, and when honestly operated the masses of the people are benefited in the lower price of the product produced through the greater efficiency and economy of a large organization.

However, I am unalterably opposed to the forcing out of the man doing the smaller business by any other than the natural laws of trade and business efficiency. He should have his opportunity, and then it is up to him to make good. I wish to say, further, that while I am in favor of laws regulating the conduct of our American business men among themselves I am also in favor of giving them a square deal. It is not unjust to require honesty and fair dealing on the part of American business men, but it is absolutely unfair and unjust to hedge them about with laws and regulations for the protection of the masses of the American people, and at the same time enact a tariff law that will permit the unfair competition of the business man across the sea, over whom we have no jurisdiction and who, with his cheaply paid labor, including women and children, becomes at once an unfair competitor, and who sooner or later will destroy American business. I would regulate the conduct of our own business men and at the same time I would, by our revenue laws, say to the foreign business competitor, we have certain regulations in this country governing the conduct of business; we prevent the employment of children; we require proper sanitary regulations; we pay our workmen a living wage; our business men are taxed heavily to support our Government, and before you can come in and rob him of his market and the workman of his opportunity, you must lay down in form of a license a sufficient revenue to at least put you on an equality with him, before you are permitted to dump your cheap labor-made goods into our channels of trade.

To my mind, gentlemen of the committee, this is not only just but it is wise. I want to say also in relation to the amendments proposed to the section of this bill dealing with labor that I have never felt that the only way to benefit the workingman was to place him in a class by himself and exempt him from some of the laws of the land in which he lives, but I would protect him further, as I endeavored to do a short time ago by my vote on the immigration bill, by saying to him who would come from a foreign land, you shall not come into this country of ours and take from the American laboring man his place in the industrial world at a lower wage. In this way I would protect him against unjust and unfair competition, and this is the character of protection the American workingman desires and should have.

In connection with the proposed amendments relating to the farmer I have but a word. It was my good fortune to be born and reared on an Illinois farm. And I am sure if the law is made effective on those who would take undue advantage of the farmer no complaint would be heard from him. It is not the desire of farmers to establish monopolies or combinations for the purpose of extorting unreasonable prices for their products from the consumer, but all they ask is a fair opportunity and protection from illegal combinations with whom they may be compelled to deal, and the further privilege of enjoying the home market, which, I am sorry to say, is now thrown open to all the world, and sooner or later, unless the law is changed, the American farmer will suffer serious injury from the competition of foreign agricultural products in our market. [Applause.]

Mr. ADAMSON. Mr. Chairman, touching the reference the gentleman made to partisanship, I wish to assure him that on our committee we treat Republicans just like they were as good as we are, and that or some other cause has made them powerful good men. If all Republicans were as good as they, they would not receive so much abuse from the third party and from the Democratic Party or from the people. [Laughter.]

But I tell you that if old man FRED. STEVENS and the other Republicans on our committee were fit types of the Republican Party it would stand much higher in the estimation of the people than it does. [Applause.] That is all I want to say in behalf of our committee.

Mr. STEVENS of Minnesota. Mr. Chairman, I hope that will not be charged to the time controlled by the gentleman from Georgia. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. VOLLMER].

The CHAIRMAN. The gentleman from Iowa [Mr. VOLLMER] is recognized for 15 minutes.

Mr. VOLLMER. Mr. Chairman, the countless generations who have enjoyed the verse of the blind bard of ancient Greece have found therein no more delightful story than that of Ulysses and his wanderings after the fall of Troy and the many trials imposed upon him by the wrath of the Olympian gods. In that story there is no more thrilling chapter than the account of how he had to steer his little bark through a narrow strait between two terrible monsters, one called Scylla and the other Charybdis.

That exploit, however, was no more difficult to perform than is the task forced on the statesmen of this country to-day by the conditions produced by the stupendous and abnormal development—industrial, financial, and commercial—of recent years. For the question which is now propounded "by the Sphynx of fate to our advancing civilization and which not to answer means to be destroyed" is this: How can you guide our ship of state safely between plutocracy on the one hand and state socialism on the other? For the optimist who believes, or wishes to believe, that it can be done successfully, no more reassuring thought can come at the present moment than that there is now at the helm of that precious craft, freighted as she is with all the hopes of humanity, a man who more nearly than almost any Chief Executive this country has ever had, in subtle, profound, and all-encompassing intellectuality, resembles the mythological hero of ancient Ithaca as Homer paints him. [Applause.]

I know that in some quarters latterly it has become the fashion to sneer at Woodrow Wilson. His great heart has been sorely wounded by it, though in the nature of the case he has not been as directly and personally and continuously exposed to it as we on this floor who believe in him and who almost every day for months of the session have had to take the gaff of carping and unjust criticism, of malevolent innuendo, and of vitriolic vituperation directed at him, his administration, and our party. And when you consider it rightly and think of the source of these vicious and unceasing attacks and see them poured out on that devoted head in increasing volume in connection with the very subject now under discussion, one hardly knows whether to weep or to laugh, or to be consumed in sheer amazement at the unblushing audacity, the marvelous nerve, the sheer effrontery, the triple-plated, brazen cheek frequently displayed in the proceeding. For who are they that are making these assaults? Are they not the sole surviving representatives of the party whose policies have produced the exceedingly grave condition in which the country now finds itself? Are they not the people who for many years entered into unholy compact with the great special interests and in return for campaign contributions and political support conveyed special privileges to the favored classes at the expense of the toiling masses of the land? Are they not the ones who converted the home market into the closed preserves of domestic monopoly, and by a false economic system, a sophistical hothouse-forcing process, a tariff of abominations, developed these industrial Frankensteins, the trusts of to-day, in whose gigantic shadow the tender plant of individual enterprise, unable to find the life-giving light of the sun of opportunity, must inevitably sicken and die? We now see certain old political owls come flapping out of the ruins and sit blinking in the bright light of the morning of a progressive era, and think that with their discordant hoots and screechings they can bring back the reactionary night which has gone forever. [Applause.]

It seems to me that it ill becomes gentlemen representing that party on this floor to stand here and sneer, in season and out of season, at honest and sincere efforts at reform of bad conditions on our part, no matter how much they may differ from us as to the wisdom of the policies involved.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. VOLLMER. I do.

Mr. ADAMSON. I wanted to suggest to the gentleman from Ohio [Mr. FESS] that it would be a good time now to count the heads on the other side of the House. I see two over there, and as he has held up his fingers he has evidently recorded them. [Laughter.]

Mr. BRYAN. Mr. Chairman, I hope the gentleman will not neglect to notice the fact that the Progressives are represented here.

Mr. ADAMSON. One more. That is one of our particular friends, the Bull Moosers. [Laughter.]

Mr. BRYAN. We are as punctual in our attendance as anybody else in the House. [Applause.]

A MEMBER. Order!

Mr. VOLLMER. My Republican friends, for 24 years it has been attempted to correct abuses patent to all by means of a law for which you claim the credit, though it is not solely yours, and during all this time the trusts have multiplied and grown more powerful day by day. The country has looked on hopelessly at your unavailing efforts, and when the Government's sporadic and well-advertised successes in the courts in such notable cases as the Northern Securities, the Standard Oil, and the American Tobacco Co. cases were followed by a practical continuance of the same old monopolistic system and an actual increase in prices and in stock values, as shown by listings on change, of the concerns involved, then it was that the country rose up against you and howled you from long-held power, and you were able to retain in the Electoral College only ossified old Vermont in the East and the Mormon State in the far West and the impotent Lilliputian minority on this floor.

Your hopes are reviving now, because you think that the old dodge is going to work again this fall; that the people have not sufficient intelligence and capacity for self-government to insist on a fair test for the reforms which we have inaugurated and are about to inaugurate, but will allow themselves again to be misled by those who have the power to produce depression in trade and industry in order to discredit the party which dares to honestly attempt genuine reform in the people's interests.

If the voters are always going to fall for that old bunco game, we might as well give up the Republic and frankly adopt in its stead the benevolent (or otherwise) feudalism of trust domination, which means collosal fortunes in the hands of the few, wrung from the producing millions, and an economic absolutism, tempered perhaps with occasional gifts of libraries and universities, even as the old Cæsars were accustomed to placate the mob of Rome with gifts of corn and circus. Yours is the old Hamiltonian doctrine that the Government should take care of the rich and let the rich take care of the poor.

Your proposition now is to do nothing, but continue blindly and vacuously with your old Sherman law, whose inutility to produce substantial change for the better in business conditions ought to be visible to a blind man to-day.

If the people should demonstrate their political incompetency by depriving of power the party which, under the guidance and leadership of Woodrow Wilson, is attempting to do something substantial for them before the attempt is fairly tested as to its efficacy, the day is not far distant when a few colossi of modern finance will absolutely dominate this fair land of ours and the rest of us expropriated and disinherited Americans, robbed of our God-given and inherent right to equal opportunity, "can peep about under their huge legs to find ourselves dishonorable graves." And this will, indeed, be a fine finish for the dream of Washington, the ideal of Jefferson, and the experiment of Abraham Lincoln. Steer the ship of state in that direction and perhaps it will seem to drift more easily for a while, but not far away I can see the yawning whirlpool of popular revolution and anarchy, and as history, with sublime irony, has so often recorded the same old story, out of the night of chaos will come riding the man on horseback, bringing with him law and order, but as its price military despotism.

On the other hand and at the other extreme, we have with us again the pied piper, whose strenuous fluting possesses such hypnotic power over mice and men in the Hamelin of American politics. Fresh from the jungles of South America, he wants to lead the American people into the jungles of Bull Moose philosophy on this question.

Let us keep clearly before us that their policies of recognition, legalization, and attempted regulation of the trusts can have but one finish, and that is State socialism, which Herbert Spencer calls "the coming slavery."

If the country is to escape both of these actually imminent dangers—plutocracy, the most sordid and degraded form of government, with its denial of all our Democratic and Republican ideals, on the one hand, and socialism, with its chimerical program unsquared to human nature as it is, doomed to failure and certain to eventuate only in a policy of confiscation and plunder, which will mean destruction to civilization, on the other hand; if our Government is to be preserved on the basis of economic individualism, under the forms of constitutional representative government, the people must now rally to the support of the great, quiet, gentle, self-contained man who stands at the helm of our ship of state. They should strengthen the spirit and hold up the arm of this modern Ulysses, so that he may take the vessel safely through, according to the time-tried chart of Jeffersonian Democracy, into the haven of the new freedom, where there shall be some liberty, some equality, and some fraternity for all of us.

Leaving the domain of generalities, what in sober detail do we now propose? A trade commission, which will supplement the juristic work of the courts with the expert, administrative aid of business experts, both in the discovery of wrongs done, the prevention of others, and the effective rectification and restoration of business conditions.

Then in terms of express and exact statute law, definitions which can not be misunderstood, which he who runs can read, and which shall illumine with the light of day the celebrated twilight zone of the Sherman law. Then some plain provisions, calculated to prevent or adequately punish certain favorite methods by which monopoly has been built up in this country, such as unfair competition, arbitrary price discrimination, tying contracts, interlocking directorates, monopolistic exploitation, and denial of access to those things that are the gifts of nature, its forces and its products, which no man has created and without which men can not live, and which constitute the basic essentials of effective and complete monopoly. Also, what all political parties have promised, but up to date none has performed—a bill of rights for labor against government by injunction with all its evil implications; against prosecution of labor in its union and of the tiller of the soil in his grange under the rigidly construed letter of the Sherman law; and then arresting the statutes of limitations and by the estoppal provision giving to private litigants the benefit of years of effort in their behalf by officers of the Government in successful trust prosecutions.

And finally now we have before us the last of the three legislative brothers, a bill which shall prevent the extension of the blanket mortgage of stocks and bonds put on the country by the financial manipulation of the railroads in the wholesale issue of securities on which they claim the right to earn dividends and interest, a measure designed to insure a dollar of real value behind every dollar of such paper floated on the markets for the protection of the investing as well as the shipping and consuming public of the United States.

Gentlemen, we have people who can not see the woods on account of the trees, as the old German proverb says. We have had much analytical discussion of the various clauses of these bills. I thought it was time that somebody made a little synthesis of the essential natures of these three bills, since they constitute another and an important chapter of the program of constructive and progressive legislation that will go down in history linked with the name of Woodrow Wilson.

I have attempted to do this hastily in this cursory résumé. I am glad to have had some part, even though a very inconspicuous and humble one, in this great work. On behalf of my colleagues on this side of the Chamber, I believe I can say that we can confidently appeal to an intelligent and unbiased posterity, as to the rectitude of our intentions and the essential wisdom of our policies. [Applause.]

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. RAKER, as Speaker pro tempore, having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16586) to amend section 20 of the act to regulate commerce, and other bills embraced under the special rule, and had come to no resolution thereon.

COLORADO MINING STRIKE.

Mr. KINDEL rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KINDEL. I wish to ask the privilege of inserting in the RECORD a resolution by the chamber of commerce and the Masons of Denver on the mining-strike situation as it is now developed since the military is in control of the Colorado coal fields.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to insert in the RECORD a resolution from the chamber of commerce——

Mr. KINDEL. Together with the report of the mining inspectors thereon.

Mr. BUCHANAN of Illinois. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. BUCHANAN] objects.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p. m.) the House adjourned until to-morrow, Wednesday, June 3, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 16476) authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 740), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

My HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 13923) authorizing and directing the Secretary of War to appoint a commission to designate, define, and survey the battle field of the Crater, at Petersburg, Va., and to collect certain data concerning the same and make report thereupon, reported the same with amendment, accompanied by a report (No. 744), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4182) to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor, reported the same with amendment, accompanied by a report (No. 745), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16579) to authorize the construction of a bridge across St. John River at Fort Kent, Me., reported the same with amendment, accompanied by a report (No. 756), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16350) to authorize the construction of a bridge across the Sabine River, in the States of Louisiana and Texas, about 2 miles west of Hunter, La., reported the same with amendment, accompanied by a report (No. 757), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16172) to give the consent of Congress to the construction of a bridge across the Mississippi River at or near New Orleans, La., reported the same with amendment, accompanied by a report (No. 758), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 13123) for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky, reported the same without amendment, accompanied by a report (No. 741), which said bill and report were referred to the Private Calendar.

Mr. TAYLOR of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16431) to validate the homestead entry of William H. Miller, reported the same without amendment, accompanied by a report (No. 742), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 16296) to provide for issuing patents for public lands claimed under the homestead laws by deserted wives, reported the same with amendment, accompanied by a report (No. 743), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 6196) for the relief of Rittenhouse Moore, reported the same with amendment, accompanied by a report (No. 746), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16033) for the relief of the United States Drainage & Irrigation Co., reported the same with amendment, accompanied by a report (No. 747), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 13167) for the relief of the legal representatives of the estate of Robert B. Pearce, reported the same without amendment, accompanied by a report (No. 748), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13965) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States, reported the same with amendment, accompanied by a report (No. 749), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 2703) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary, reported the same with amendment, accompanied by a report (No. 750), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16163) for the relief of Theodore Bagge, reported the same with amendment, accompanied by a report (No. 751), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 13108) for the relief of George H. Hammond, reported the same with amendment, accompanied by a report (No. 752), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 13569) providing for the refund to the Colonial Realty Co. certain corporation tax paid in excess, reported the same without amendment, accompanied by a report (No. 753), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 2978) for the relief of the estate of Thomas F. Swafford, deceased, late of the State of Louisiana, for carrying United States mail on route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861, reported the same without amendment, accompanied by a report (No. 754), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 3586) granting an honorable discharge to Francis Tomlinson, reported the same with amendment, accompanied by a report (No. 755), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McCLELLAN: A bill (H. R. 16991) to amend the act of March 3, 1885, entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States"; to the Committee on Claims.

By Mr. STOUT: A bill (H. R. 16992) for the purchase of a site and the erection thereon of a public building at Glendive, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 17005) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River, at or near Williamson, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 272) authorizing direct review by the Supreme Court of judgments and decrees of the district court for the eastern district of Oklahoma in certain cases involving title to Indian allotments; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 16993) granting a pension to Gertrude Schwoerer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16994) granting an increase of pension to Rosanna Myers; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 16995) granting an increase of pension to Sallie F. Sheffield; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 16996) granting an increase of pension to George Lewis; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 16997) granting a pension to Theodore A. Melter; to the Committee on Pensions.

By Mr. GRAY: A bill (H. R. 16998) granting an increase of pension to Electa Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16999) granting an increase of pension to Sarah E. Parish; to the Committee on Invalid Pensions.

By Mr. HINEBAUGH: A bill (H. R. 17000) granting a pension to Frank Trs; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 17001) granting an increase of pension to Albert Kneller; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 17002) granting an increase of pension to Marshall Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17003) granting an increase of pension to Delilah Kirker; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 17004) for the relief of S. L. Burgard; to the Committee on Claims.

By Mr. FARR: A bill (H. R. 17006) granting a pension to William Bowen; to the Committee on Pensions.

Also, a bill (H. R. 17007) granting a pension to Harry A. Caskey; to the Committee on Pensions.

Also, a bill (H. R. 17008) granting a pension to Henry Graf; to the Committee on Pensions.

Also, a bill (H. R. 17009) granting an increase of pension to George Hudson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17010) granting an increase of pension to Eliza A. Scull; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the Woman's Christian Temperance Union, 1,000 members, and the Wesley Chapel, Methodist Episcopal Church, 300 members, of Washington, D. C., favoring national prohibition; to the Committee on Rules.

Also (by request), resolutions of certain citizens of Oakland, Cal.; Mount Chestnut, Pa.; Pleasant Hill, Ill.; Beaver Falls, Pa.; Prospect, Pa.; Claysville, Pa.; Elgin, Oreg.; Slatington, Pa.; Baltimore, Md.; Eagleville, Pa.; and Stafford, Kans., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petitions of 5 citizens of Franklin County, Mo., and 59 citizens of St. Louis County, Mo., against national prohibition; to the Committee on Rules.

Also, petitions of the Wayne Manufacturing Co., the Charles Schultes Brass Works, the Bowman-Blackman Machine Tool Co., the N. O. Nelson Manufacturing Co., the John B. Schmidt Sign Co., the Scullin-Gallagher Iron & Steel Co., the Robert Jacob Engine & Machine Co., the Randolph Press Printing Co., the F. E. Schoenberg Manufacturing Co., the American Mineral Water Co., the Central Telephone & Electric Co., the National Ammonia Co., the West St. Louis Machine & Tool Co., the Lambert-Deacon-Hull Printing Co., and Cigar Makers' Union No. 44, all of St. Louis, Mo., against national prohibition; to the Committee on Rules.

Also, petitions of the Teamsters' Joint Council of St. Louis and Vicinity, No. 13; the St. Louis Stewards' Club; the Mercantile Trust Co.; St. Louis Brewery Engineers, No. 246; the Missouri Paint & Varnish Co.; the Hunkins-Willis Lime & Cement Co.; the A. Gilbert & Sons Brass Foundry Co.; the Modern Typewriter Supply Co.; the Coopers' International Union; and the Westinghouse Air Brake Co., all of St. Louis, Mo., against national prohibition; to the Committee on Rules.

Also, petitions of the Skinski-Arbeiter Printing Co., the Krenning-Westermann China Co., the Day Rubber Co., the Hammer Dry Plate Co., the Charles E. Goltermann Printing Co., the Abel & Gerhard Plumbing Co., the Oscar R. Witte Insurance Co., and the Schurk Iron Works, all of St. Louis, Mo., and the Milwaukee Malting Co., of Milwaukee, Wis., against national prohibition; to the Committee on Rules.

Also, petitions of the Continental Portland Cement Co., the Hesse Envelope & Lithographing Co., the St. Louis Lumber Co., the Harmonie Saengerbund, the Skinski-Arbeiter Printing Co., the West Disinfecting Co., the Peter Hauptmann Tobacco Co., the Western Valve Co., the Alvis Aufrichtig Copper & Sheet Iron Works, and the Steimvender-Stoffregen Coffee Co., all of St. Louis, Mo., and the Crown Cork & Seal Co., of Baltimore, Md., against national prohibition; to the Committee on Rules.

By Mr. BEAKES: Telegrams of 93 citizens of the second district of Michigan, protesting against national prohibition; to the Committee on Rules.

Also, petitions of the Seventh-day Adventist Church of Detroit; the Sabbath School of the Methodist Episcopal Church of Petersburg; a union meeting of 400 people held at Monroe; and 50 citizens of Detroit, all of the State of Michigan, in favor of national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of 645 citizens of Tyrone, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. CALDER: Petition of sundry citizens of New York, favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of Edward G. Hauck, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Mr. DANFORTH: Petitions of Miss Ethie E. Croach and 35 others, of Medina, and of Rev. R. C. Grames and 9 others, of Springwater and vicinity, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of John C. Holmes and 123 others, of Batavia, N. Y., favoring the passage of House bill 14895, to create a new division of the Bureau of Education to be known as the Federal motion picture commission, and defining its powers and duties; to the Committee on Education.

By Mr. DAVIS: Petition of the Methodist Episcopal Church of Northfield, Minn., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. DYER: Petition of Peter Jones, C. B. Smith, Joseph P. Egan, David McNulty, H. Sweeney, Thomas Kelly, Joe Geimer, Louis Powers, J. A. Buhl, J. H. Braun, Joseph Krebs, Arthur Schaefer, and Henry L. Hunter, against national prohibition; to the Committee on Rules.

Also, petitions of the St. Louis Gallaudet Union, and of the Missouri Association of the Deaf, favoring the passage of House bill 15317, to create a bureau for deaf and dumb in the Department of Labor; to the Committee on Public Buildings and Grounds.

By Mr. FERGUSSON: Petition of the National Woman's Christian Temperance Union, signed by Mrs. Eloisa Luna Bergere, Mrs. M. H. Byrd, and Miss Katherine Patterson, praying for the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also, petition of John A. Logan Circle, No. 1, Ladies of the Grand Army of the Republic, of Albuquerque, N. Mex., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of the Ministerial Alliance of Las Cruces, N. Mex., by C. K. Campbell, Thomas A. Mitchell, and H. F. Vermillion, favoring national prohibition; to the Committee on Rules.

By Mr. FITZGERALD: Petitions of John Connolly, John Kellerman, John F. Appleby, Walter F. Smith, Edward Coamy, Harry M. Snyder, John M. James, William F. Powers, Peter Loom, John Mulligan, all of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. GARNER: Petitions of 5,132 citizens of Beeville district, Bee County; 189 citizens of Corpus Christi; and sundry citizens of Normanna, all in the State of Texas, favoring national prohibition; to the Committee on Rules.

By Mr. GRAY: Papers to accompany House bill 16564, for relief of Maria A. Endsley; to the Committee on Invalid Pensions.

Also, papers to accompany a bill for relief of Electa Henderson; to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: Petitions of the Liquor Dealers' Association, the Bartenders' Association, and sundry citizens of Fall River; the Hathaway Advertising Co., the Washington Social and Musical Club, the Workingmen's Improvement Society, Smith Bros., Theophile Lebeau, and sundry citizens of New Bedford, all in the State of Massachusetts, against national prohibition; to the Committee on Rules.

Also, petitions of 25 members of the Pacific Union Church and 30 members of the Sunday school and 36 members of Friend Church, all of Westport; 57 members of the Methodist Episcopal Church and Sunday school of Westport Point; 40 members of the Christian Endeavor Society of South Westport and 684 members of Sunday school; 1,075 members of the churches of Fall River; 100 members of the Methodist Episcopal Church of Hebronville; 8 members of Maurich Farms, of Lakeville; 40 members of Guild Memorial Church, of North Attleboro; 24 members of the First Evangelical Church of Westport Factory; 200 members of the Woman's Christian Temperance Union and Frederick W. Lincoln and Wesley R. Canfield, of Attleboro;

50 members of the First Congregational Church of Dighton; 90 members of the First Universalist Church, 162 members of Central Methodist Episcopal Church, 156 members of the Woman's Christian Temperance Union, and 51 members of Winslow Publishing Co., all of Taunton, all in the State of Massachusetts, favoring national prohibition; to the Committee on Rules.

Also, petition of Albert Reed and 1,992 others of Fall River, and Joseph Taylor and 263 others of Taunton, all in the State of Massachusetts, protesting against national prohibition; to the Committee on Rules.

By Mr. HAY: Petition of 200 citizens of Bridgewater, Va., favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of Kahn Bros. Co., W. S Henderson Wholesale Co., Symns Utah Grocer Co., Anderson-Taylor Co., and other firms of Salt Lake City, Utah, favoring the passage of House bill 13305, the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions from certain citizens of Price and Eureka, Utah, protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of Rhode Island State Federation of Women's Clubs, against further acquisition by the United States of foreign territory; to the Committee on Foreign Affairs.

Also, petition of Warfield-Pratt-Howell Co., of Sioux City, Iowa, favoring passage of House bill 15988, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petition from sundry citizens of the fifteenth congressional district of Pennsylvania, favoring the Hobson prohibition amendment; to the Committee on Rules.

By Mr. LOBECK: Petition of 25 citizens of Omaha, Nebr., favoring national prohibition; to the Committee on Rules.

Also, petition of 27 citizens of Douglas County, Nebr., against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of Fred Goetz, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of citizens of College View and Lincoln, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of 150 citizens of Plattsburg, N. Y., and 135 citizens of Keeseville, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of the Musicians' Mutual Protective Union, Local No. 6, San Francisco, Cal., against national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protests of Gail Harrington and 7 other women voters; Joseph T. Sager and 49 other citizens; William B. Travers and 36 other citizens; John Hughes and 49 other citizens; G. C. Gunther and 56 other citizens; and John J. Brogan and 41 other citizens, all of San Francisco, Cal., against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petitions of sundry citizens of Fitchburg and Gardner, Mass., favoring national prohibition; to the Committee on Rules.

Also, petitions of various business men of Fitchburg, Clinton, Webster, Oxford, North Brookfield, Brookfield, Warren, West Warren, and Thorndike, all in the State of Massachusetts, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of Allison C. Hinds, of Orange, Mass., protesting against national prohibition; to the Committee on Rules.

By Mr. RAINEY: Memorial of the Methodist Episcopal Church of Griggsville, Ill., protesting against polygamy in the United States; to the Committee on the Judiciary.

Also, petition of W. M. Potts and 17 other citizens of White Hall, Ill., favoring national prohibition; to the Committee on Rules.

Also, petition of 23 citizens of Boardstown, Ill., protesting against national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petition of 295 citizens of Battle Creek, Mich., favoring national prohibition; to the Committee on Rules.

Also, petition representing 18,000 club women of Michigan, against acquiring land in Mexico by conquest; to the Committee on Foreign Affairs.

By Mr. STEVENS of Minnesota: Petition of 75 citizens of Bald Eagle Lake, Minn., and 31 citizens of St. Paul, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petition of E. Siever, of Keithsburg, Ill., favoring Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition of John H. Nelson and 12 others, of New Castle; R. Frank McGowan and 21 others, of Beaver Falls; and sundry citizens of New Castle, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. THACHER: Petition of sundry citizens of Massachusetts, relative to national prohibition constitutional amendment; to the Committee on Rules.

By Mr. VOLLMER: Petitions signed by P. W. Knapp and 54 others, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50 and all other prohibition measures introduced in Congress; to the Committee on Rules.

By Mr. WINGO: Petition of sundry citizens of Magazine, Ark., favoring Federal censorship of motion pictures; to the Committee on Education.

SENATE.

WEDNESDAY, *June 3, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thee, we trust, with true hearts, that our inward life may be brought into conformity with Thy will. By Thy grace may we be enabled to understand the things that we see. By Thy guidance may our wills be brought into harmony with Thy will, our consciences with Thy law, and our hearts with Thy love, so that our lives may be God-centered and may be expressive of God's will in the world. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting schedules of useless papers in the office of the Auditor for the Navy Department, the offices of collectors of internal revenue, and in the office of the collector of customs, Duluth, Minn., which are not needed in the transaction of the public business and have no historical value. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Vermont [Mr. PAGE] and the Senator from Oregon [Mr. LANE] members of the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

IMPORTATION OF CONVICT-MADE GOODS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, which will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
Washington, June 2, 1914.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate of May 23, 1914, directing me to furnish to the Senate a detailed statement indicating all commodities the importation of which would be affected by H. R. 14330, now pending in the Senate.

This department is not now in possession of sufficient information as to prison labor to furnish the Senate with the information desired. I shall at once take steps to secure the information and will furnish it to the Senate at as early a date as practicable.

Respectfully,

C. S. HAMLIN, *Acting Secretary.*

The VICE PRESIDENT. The communication will lie on the table for the present.

RETURN OF CASES TO COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, requesting, by order of the court, the return of the case of William A. Watkins, deceased, against the United States, which case was certified to the Senate December 19, 1913, as being dismissed for nonprosecution, which was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, requesting, by order of the court, the return of the case of John R. McGinniss against the United States and of the case of Minor Knowlton, deceased,